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Of the marine insurance companies of the city of New York, against a repeal of the act of March 2, 1837, concerning pilots - - - - -	8	596	1
Of citizens of Washington city, praying the enactment of a law requiring the use, in steamboats, of Raub's safety-valve - - - - -	8	597	1
Of tobacco planters in the State of Kentucky, praying the adoption of measures to cause that staple to be received into the European markets on fair and liberal terms - - - - -	8	601	1
Of citizens of Detroit, praying an appropriation for the completion of a railroad from that city to the northern boundary of Ohio - - - - -	8	604	1
Of citizens of the city of Washington, praying the renewal of the charters of the banks in the District of Columbia - - - - -	8	607	1
Of a committee of the corporate authorities of the city of Washington, against the passage of the bill (S. 378) to amend and continue in force the acts to incorporate the inhabitants of the city of Washington - - - - -	8	609	1
Of the third municipality of the city of New Orleans, against the extension of the port of New Orleans - - - - -	8	611	1
Of citizens of the city of Washington, against the passage of the bill (S. 378) to amend and continue in force the acts to incorporate the inhabitants of the said city - - - - -	8	613	1
Of citizens of the town and county of Alexandria, in the District of Columbia, praying the retrocession of that part of said District to the State of Virginia - - - - -	8	614	1
Of the Farmers and Mechanics' Bank of Georgetown, the Bank of the Metropolis, and the Patriotic Bank of Washington, praying the extension of their charters until the 4th of March next - - - - -	8	615	1

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1877

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MESSAGE

FROM

PRESIDENT OF THE UNITED STATES,

IN COMPLIANCE (IN PART)

ion of the Senate in relation to the bonds issued by the Territory of Florida.

 MAY 7, 1840.

 Read, and ordered to be printed.

of the United States :

o the Senate a report from the Secretary of State, which, rs accompanying it, contains, in part, the information resolution of the Senate of the 30th December last.

M. VAN BUREN.

N, May 2, 1840.

DEPARTMENT OF STATE,

Washington, May 2, 1840.

ary of State, to whom was referred a resolution of the Senate December last, requesting the President "to obtain from d authorities in Florida, and to communicate to the Senate, f the amount of all the territorial bonds issued, and authorized, in that Territory, with copies from the journals of the Council showing every thing that was done in authorizing the bonds, with the names of the members of the council at the air votes in each case; the names of the Governors who may ed laws for the issuing of territorial bonds, or who may have dorsed the said bonds; also, the purposes for which such bonds , and, when issued in favor of corporations, the names of the and of the corporators and their officers, and the use made of and the present value of said bonds in the American and European markets, with the condition of the corporations which have had the bonds, and how far they are fulfilling the purposes for which created. Also, a statement of all the acts of incorporation been passed by the said Legislative Council of Florida since of March, 1823, and the acts in amendment thereof; and when e said acts were 'reported to the President of the United States fore Congress,' " has the honor to state that, having, on the 3d ast, transmitted to the Governor of Florida a copy of said reso-

 printers.

lution, with directions to furnish the information therein requested, he has this day received from the Governor a letter, of which a copy is enclosed, together with a letter to the President and documents therein described, containing, in part, the information called for. The residue of the papers intended to be forwarded from Florida shall, so soon as they are received, be laid before the President.

JOHN FORSYTH.

The PRESIDENT.

EXECUTIVE DEPARTMENT,
Tallahassee, Fla., April 23, 1840.

SIR: In obedience to the instructions contained in your letter of the 3d of January last, I have collected, and now enclose to you, all the information I have as yet been able to obtain respecting the subjects mentioned in a resolution of the Senate of the United States of the 30th December, 1839. I shall, in the course of a few days, have other information to communicate. A letter from the secretary of the Territory to the President of the United States accompanies the enclosed documents.

I am, sir, very respectfully, your obedient servant,

ROBERT RAYMOND REID.

HON. JOHN FORSYTH,

Secretary of State of the U. States.

SECRETARY'S OFFICE,
Tallahassee, Fla., April 8, 1840.

SIR: In obedience to your call upon the constituted authorities of Florida for information, as specified and required by a resolution of the Senate of the United States of December 30, 1839, I herewith transmit the documents which contain such information, so far as the same has been obtained.

Document No. 1 contains copies from the journals of the Legislative Council of Florida, showing the enactment of bank charters authorizing the issues of territorial bonds.

Document No. 2 is a statement or descriptive list of all the acts of incorporation passed by the Legislative Council of Florida since the year 1823, whether substantive or amendatory.

Document No. 3 contains copies of files in this office which are connected with the issuing of territorial bonds, &c.

Document No. 4 is a message of William P. Duval to the Legislative Council of Florida, advising certain amendments in the charter of the Union Bank of Florida.

Document No. 5 is the result of an investigation by the Committee on Banks in the House of Representatives of the Legislative Council of Florida. It gives the information required by the resolution above referred to so far as the Union Bank and Southern Life Insurance and Trust Company are concerned.

Document No. 6 contains all the charters, with their amendments, of those banks which have received territorial bonds.

Document No. 7 is a descriptive list of mortgages to the Southern Life Insurance and Trust Company, filed in this office as security for bonds issued by the Territory.

The facts showing the condition and operations of the Bank of Pensacola have not yet been received. A commissioner, appointed for that purpose, is now engaged in the work. All of which is respectfully submitted.

Your obedient servant,

J. McCANTS,
Secretary of Florida.

M. VAN BUREN, *Pres't of the U. States.*

No. 1.

Copies from the journals of the Legislative Council of Florida, and a statement of the amount of all the Territorial bonds issued and authorized to be issued by the Legislative Council of Florida, made in obedience of a resolution of the Senate of the United States, December 30, 1839.

[Extracts from the Journals—Session of 1833.]

Monday, January 7, 1833.—Mr. Booth was elected President; and was thereupon conducted to the chair: when he made a suitable address.

Tuesday, January 15, 1833.—Mr. Ward, from the Committee on Banks, to whom was referred so much of the Governor's message as relates to banks and bills of exchange, reported a bill, to be entitled "An act to incorporate the subscribers to the Union Bank of Florida;" which, on motion of Mr. Bellamy, was read by its title, and eighteen copies are ordered to be written.

Wednesday, January 16, 1833.—A bill, to be entitled "An act to incorporate the subscribers to the Union Bank of Florida," was read a second time, and, on motion of Mr. Bellamy, ordered to be referred to a Committee of the Whole to-morrow.

Tuesday, January 22, 1833. A bill, to be entitled "An act to incorporate the subscribers to the Union Bank of Florida," was taken up from the orders of the day, when the house went into a Committee of the Whole upon said bill; after some time spent therein, the committee arose, and Mr. Warren reported progress, and asked leave to sit again on to-morrow, which was concurred in by the House.

Wednesday, January 23, 1833.—A bill, to be entitled "An act to incorporate the subscribers to the Union Bank of Florida," was, from the orders of the day, again taken up in Committee of the Whole; and, after some time spent therein, the committee arose; when Mr. Warren reported progress, and asked leave to sit again, which was concurred in by the House.

Thursday, January 24, 1833.—The Committee of the Whole again took under consideration the bill, to be entitled "An act to incorporate the subscribers to the Union Bank of Florida;" and, after some time spent therein, arose; when Mr. Warren therefrom reported progress, and asked leave to sit again, which is concurred in by the House.

Friday, January 25, 1833. A bill, to be entitled "An act to incorporate the subscribers to the Union Bank of Florida," was again taken up

in Committee of the Whole ; and, after some time spent therein, arose. Mr. Warren, from said committee, reported progress, and asked leave to sit again, which is concurred in by the House.

Saturday, January 26, 1833.—The bill, to be entitled “ An act to incorporate the subscribers to the Union Bank of Florida,” was again taken up in Committee of the Whole ; and, after some time spent in consideration thereof, the committee arose ; when Mr. Warren, from said committee, reported progress, and asked leave to sit again, which is concurred in by the House.

Monday, January 28, 1833.—The bill to be entitled “ An act to incorporate the subscribers to the Union Bank of Florida,” was again taken up in Committee of the Whole ; and, after some time spent therein, the committee arose, and Mr. Warren therefrom reported progress, and asked leave to sit again, which is concurred in by the House.

Tuesday, January 29, 1833.—The House again resolved itself into a Committee of the Whole on the bill entitled “ An act to incorporate the subscribers to the Union Bank of Florida,” and spent some time therein, when it arose, and Mr. Warren therefrom reported the said bill, with amendments, to the House, which were concurred in. Mr. Ward moved that 500 copies of said bill be printed for the use of the House, and that it be made the order of the day for Friday next. The question on printing 500 copies was, on the call of Messrs. Ward and Chandler, taken by yeas and nays. Those voting in the affirmative were, Mr. President, Messrs. Blount, Bradford, Chandler, McBride, Meacham, Smith, Ward, and Warren—9. Those in the negative were, Messrs. Bell, Bellamy, Compton, Cooper, Gautier, Howard, Priest, Riz, and Wright—9. So the said motion is lost. On motion ordered, that eighteen copies of said bill be printed for the use of the House, and that it be made the order of the day for Friday next.

Friday, February 1, 1833.—The bill to be entitled “ An act to incorporate the subscribers to the Union Bank of Florida,” was taken up from the orders of the day ; when, on motion of Mr. Ward, the House resolved itself into a Committee of the Whole thereon ; when the committee arose, and Mr. Warren therefrom reported the bill to the House as amended.

Mr. Chandler moved that the House do again resolve itself into a Committee of the Whole on said bill ; upon which motion the yeas and nays were called by Messrs. Chandler and Bradford, and were as follows : Those voting in the affirmative were, Messrs. Bell, Bellamy, Bradford, Chandler, Compton, Cooper, Priest, Riz, Smith, and Wright—10. Those in the negative were, Mr. President, Messrs. Blount, Gautier, Howard, McBride, Meacham, Ward, and Warren—8. So the said motion was carried ; whereupon, the House went again into Committee of the Whole upon said bill, and spent some time therein ; when they arose, and Mr. Warren therefrom reported said bill to the House, with amendments, which were concurred in by the House.

Mr. Gautier moved that the rule of the House be waived ; that the said bill be read a third time by its title, and put upon its passage, which prevailed ; and the question being, “ Shall said bill pass ? ” was, on the call of Messrs. Ward and Cooper, decided by yeas and nays. Those voting in the affirmative were, Mr. President, Messrs. Blount, Gautier, Howard, McBride, Meacham, Smith, Ward, Warren, and Wright—10. Those in the negative were, Messrs. Bell, Bellamy, Bradford, Chandler, Compton, Cooper, Priest, and Riz—8. So the said bill was passed.

Ordered, That the title be as aforesaid.

Tuesday, February 12, 1833.—On motion of Mr. Ward, the House again resolved itself into a Committee of the Whole on the bill entitled "An act to incorporate the subscribers to the Union Bank of Florida," and spent some time therein; when they arose; when Mr. Warren therefrom reported said bill, with amendments, which were concurred in by the House.

Mr. Bradford moved to amend said bill by adding thereto a section in these words: "*And be it further enacted*, That any future Legislative Council shall have the power to alter or amend this act whenever they may deem it necessary." The yeas and nays being called thereon by Messrs. Bradford and Gautier, were as follows: Yeas: Messrs. Bradford, Riz, and Smith—3. Nays: Mr. President, Messrs. Bell, Bellamy, Blount, Chandler, Compton, Cooper, Gautier, Howard, McBride, Meacham, Priest, Ward, Warren, and Wright—15. So the said amendment was lost.

Mr. Smith moved the following amendment to said bill: "*Be it further enacted*, That this act shall not go into operation till it has received the express assent of Congress. The yeas and nays being called thereon by Messrs. Smith and Chandler, were as follows: Yeas: Messrs. Bellamy, Bradford, Chandler, Compton, Cooper, Priest, Riz, Smith—8. Nays: Mr. President, Messrs. Blount, Gautier, Howard, McBride, Meacham, Ward, Warren, and Wright—9. So the said amendment was lost. The rule of the House being waived, the said bill was read a third time by its title, and put on its final passage. The yeas and nays being called by Messrs. Smith and Chandler, were as follows: Yeas: Mr. President, Messrs. Bellamy, Blount, Gautier, Howard, McBride, Meacham, Ward, Warren, and Wright—10. Nays: Messrs. Bell, Bradford, Chandler, Compton, Cooper, Priest, Riz, Smith—8. So the said bill was passed.

Ordered, That the title be "An act to incorporate the subscribers to the Union Bank of Florida."

The following communication was received from his excellency the Governor:

EXECUTIVE OFFICE, *February 13, 1833.*

SIR: I have approved, and signed, and filed in the Executive office
 "An act to incorporate the subscribers to the Union Bank of Florida."

I am, respectfully, your obedient servant,

WM. P. DUVAL.

Hon. J. P. BOOTH, *President of the Council.*

[Extracts from the Journals—Session of 1835.]

Wednesday, January 14.—Mr. Blount gave notice that on some future day he will ask leave to introduce a bill to amend the several acts incorporating the Bank of Pensacola, and for other purposes.

Wednesday, February 11.—A bill entitled "An act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating the said bank," is postponed, and made the first order for to-morrow.

Thursday, February 12.—A bill entitled "An act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said bank, and for other purposes," was referred to a Committee of the Whole. The House went into a committee thereon, and Mr. Wood, from said committee, reported said bill to the House without amendment, which was agreed to, and said bill is ordered for a third reading on to-morrow.

Friday, February 13.—A bill entitled “An act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said bank, and for other purposes,” was read a third time and passed.

Ordered, That the title be as before stated.

EXECUTIVE OFFICE, *February 14, 1835.*

To the Legislative Council :

I have this day approved, signed, and filed with the Secretary of Florida the following act, to wit :

“An act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said bank, and for other purposes.”

JOHN H. EATON.

Monday January 26.—Mr. Putnam gave notice that on to-morrow he will ask leave to introduce the following bills, to wit : [after citing several bills], also, that he will on to-morrow ask leave to introduce a bill, to be entitled “An act to incorporate a Southern Life Insurance and Trust Company.”

Thursday, January 29.—A bill, to be entitled “An act to incorporate the Southern Life Insurance and Trust Company,” was, on motion of Mr. Bellamy, postponed, and made the order of the day for Monday next.

Tuesday February 3.—A bill entitled “An act to incorporate the Southern Life Insurance and Trust Company,” was read the third time by its title. The yeas and nays being required by Messrs. Bellamy and Blount, were: Yeas: Mr. President, Messrs. Blount, Brown, Fitzpatrick, Higginbotham, Hunter, McNeil, Mitchell, Parish, Priest, Putnam, Smith, Stansbury, and Wood—15. Nays: Messrs. Bellamy, Braden, Dupont, Duval, Edwards, Holmes, Love, Macon, McKinnon, Mooring, and Walker—11. So the said bill is passed.

Ordered, That the title be as before stated.

Wednesday, February 4.—It is ordered, on motion of Mr. Smith, no one objecting, that the bill passed yesterday, entitled “An act to incorporate a Southern Life Insurance and Trust Company,” be amended in the 9th section, by inserting, in the 12th line, the word “fifteen” instead of “thirty,” as it reads in the printed copy ; and, also, that words “Governor or” be inserted in the 21st section of said bill, between the 11th and 12th words of the 4th line of said section, and that the enrolling clerk do enrol said bill with said words so inserted.

Tuesday, February 10.—Mr. President laid before the Legislative Council the following Executive communication :

EXECUTIVE OFFICE, *February 10, 1835.*

To the Legislative Council :

I have carefully taken into consideration an act submitted to me, entitled “An act to incorporate the Southern Life Insurance and Trust Company.” To its general provisions, no objection is entertained ; my purpose is to present to you certain alterations and amendments which, to me, appear necessary to carry out these objects which, doubtless, the Legislature, in enacting it, had in view.

Moneyed corporations are always matters of hazard, from an entertained idea that, once created, they are beyond the reach of future legislation ; it

this be correct, it is obvious that the dangers attendant on their creation should be avoided by embodying in their charters such safeguards and securities as may have a tendency to advance the benefits contemplated to arise, and at the same time to restrain those evils and inconveniences which frequently occur, when even the greatest care and caution to prevent them are consulted.

This act of the Legislative Council is advocated on the ground that moneyed facilities will be offered, and by it, advantages, correspondent to those which are possessed by the middle, will accrue to the eastern section of the Territory. The argument is a reasonable one. But, while it is urged, care should be taken that the copy does not surpass the original. Even when benefits are to be obtained through any act of legislation, it is worthy to be considered, whether they may not, and are not, sometimes secured at too great sacrifice.

The guarantee of a State or Territory, is nothing more than a mere promise to do a particular act. There is no compulsory authority whereby the fulfilment of the promise can be enforced; it is but the assurance of plighted faith; though it is that which the sovereignty making it will always be careful to redeem. If, then, from any unforeseen casualty, this chartered company shall fail or omit to discharge its incurred obligations, a liability on the part of this Territory will arise; and hence does prudence dictate to the Representatives that an offered guarantee of the public faith shall not be carried beyond a point of safety to those whose interests are here represented. For great objects of internal improvement to the country, such as promise important benefits to a community in after time, a plausibility, and, perhaps, a right may exist, for the present age, to impose burdens and taxes upon those who are to follow after. But that right, it is conceived, cannot attach in form of a speculative measure which may eventuate well; but which, being dependant for success on various contingencies, may, by possibility, turn out badly.

The 21st section of the bill is considered objectionable. In the first place, it is inexplicit—too much so to be executed. It declares that the Governor shall endorse the faith of the Territory on “certificates of such deposits as the company shall from time to time determine on.” To this, what is the construction to be given? An ordinary, usual certificate of deposit, such as is understood by the mercantile community, is, when, with a view to a safe remittance, an individual places money in some bank, and receives in writing an admission that the deposit is made, and that the amount will be paid to the rightful holder of the produced certificate; and which, when produced, is paid and cancelled. But, by the friends of the act, it is asserted that this is not the meaning which is intended to be conveyed by the words employed in this section—that they are intended to have a more enlarged interpretation. This, probably, is true; because, while a corporation remains solvent and in good credit, a guarantee of such papers would be of little or no value; nor could they prove at all serviceable in increasing the capital stock, or giving additional credit to the institution.

The precise meaning of the expression, then, as it was intended, must be that these certificates of deposit are in the nature of obligations—promises on the part of the Territory, to be answerable for the liabilities of this company, at some future time (though at what time is not stated), whereby to enable the company “to make loans and discounts beyond the limits of

its capital ;” and to effect these objects, the faith of Florida is to be the guarantee.

A prudent dealer does not permit himself to be drawn on without having some precise period agreed upon at which the bill shall reach maturity. If he expects to be punctual, and hopes to sustain his credit, he will practise this precaution, that he may make all necessary arrangements to be in readiness to meet his engagements. For the same reason, States and Territories, and corporations, should pursue a similar course, lest, when the time arrives to redeem any given pledge, they may not be ready to do so. Suppose this company shall issue certificates to be endorsed by the Governor, payable at the intermediate periods of twelve and sixty months, and there is nothing in the act to prevent it, is it dreamed of that the Territory could discharge them at maturity? But the charter requires that the company shall take care to pay these liabilities. But where is the guarantee for it? This Territory is not, by the act, declared to be a preferred creditor, on account of its undertakings and liabilities; nor is there a lien given by which the mortgaged property of the company can be resorted to. In the event of any resulting default, Florida will be placed in the attitude merely of a general creditor, to be settled with just as other claimants and creditors will be. The only penalty, and the alone security to be relied on for neglecting to discharge the principal and interest of the bonds, is, that the Territory is authorized to have the privilege of a law-suit with the company, which will neither preserve credit, nor pay the debt incurred by the guarantee.

As the Legislature at the session of 1833 granted a charter to the Union Bank, which has given facilities and benefits to this section of country, it is insisted that like advantages should be extended to the eastern section of Florida; and arguments have been thence adduced in support of the principles which are contained in the act under consideration. It is proper, therefore, to institute a comparison, and to run a parallel, by which material differences will be seen in favor of the safety which is offered to the Territory by the one which is not contained in the other.

1. Valuers in the several counties, to be appointed by the Governor, and approved by the Council, are made necessary, that no mortgaged estate be imposed for discount on the bank beyond its probable and true value; and, with a view to still greater caution, the directors are possessed with authority to reduce even this valuation when made. The act before me contains no such wholesome provisions.

2. Five of the twelve directors chosen to supervise the concerns of the bank, are constituted agents by the Governor and Council, on behalf of the Territory, who are chosen annually (not during good behavior), and whose duty it will be, from time to time, to make known any practised wrong on the part of the board. In twelve months much injury and wrong might be done, and yet it is but annually that the public, with all its weighty responsibilities, are to be informed of the state and condition and situation of this company. The Territory should have directors associated who are not stockholders, and who, consequently, will be without interest and motive to do wrong, that her rights and liabilities may be guarded and protected.

3. The Territorial bonds issued to the bank are of ascertained amount, and are made payable at distant and certain periods, so that if, from casualty or mismanagement, a liability shall threaten to arise, timely notice

will be had for such arrangements to be gone into as may provide, with certainty, for the ultimate redemption of those obligations.

4. One million of dollars, with the privilege of increasing it to three, is the declared capital of the Union Bank, and bonds only to that precise amount are appropriated and required to be issued; whereas, the Trust company may increase their capital from two to four millions, and the Governor is directed to guaranty their certificates of deposits to double that amount.

5. For the guarantee given to the bank through the bonds issued by the Territory, a lien is created, in the 8th section of the charter, on the mortgaged property of its debtors; and, beside this most salutary arrangement, the bank has undertaken and agreed to pay a *bonus* of a moiety of all its property, which, as the dividends are retained, and are hence cumulative, cannot fail to be considerable, should the institution be prudently and fortunately managed.

6. That the people generally might possess themselves of the privileges and advantages intended by the charter of the Union Bank, it is provided, in the 4th section of the act, that if more than the authorized amount of stock was subscribed the larger stockholders should be curtailed. It was a salutary provision, to prevent a few persons from monopolizing privileges and rights which were intended for the community at large. The trust-charter, under consideration, contains no such advantageous restriction. Ten stockholders (that being the required number to constitute a board of directors) may engross the entire stock; and having engrossed it, are clothed with power and authority to wield and control the credit and liabilities of this Territory to the enormous amount of eight millions of dollars.

This hastily-drawn parallel will show that, while valuable safeguards are contained in the charter of the Union Bank, that of the Trust company is without them. One other might have been beneficially resorted to—an inhibition to receive real estate upon mortgage, unless within the Territory; and it is a provision which should be inserted in the present charter, or otherwise the mortgages received may be situated in the States where no legislation or lien, to be derived under the charter, can be rendered available. The property being mortgaged to the company, at a fair valuation, and being within your jurisdiction and limits, with a lien created, no objection to extending the guarantee to the extent of their valuation can be perceived; and more should not be asked; or, if asked, should not be granted. It is, proper, also, that some visitorial right be retained, especially to see that estates be not pledged to the company at too extravagant a valuation.

JOHN H. EATON.

Which was read, and laid on the table.

WEDNESDAY, *February 11*.—On motion of Mr. Braden, the House resolved itself in a Committee of the Whole on the message of his excellency the Governor, of the 10th instant, on the subject of an act to incorporate the Southern Life Insurance and Trust Company. After some time spent therein, the committee arose, and Mr. Love therefrom reported progress, and asked leave to sit again; which report was agreed to.

THURSDAY, *February 12*.—Mr. Braden moved that a committee of this House be appointed to wait upon the Governor, and inform him that the suggestions in his communication respecting an act entitled "An act to

incorporate the Southern Life Insurance and Trust Company," have been concurred in by this House, and to request his excellency to return said act, that the said act may be enrolled conformably to said amendments; which was agreed to. Messrs. Braden, Downing, and Putnam were appointed thereon.

The committee reported that the Governor would make a communication to this House forthwith on the subject.

His excellency the Governor transmitted to the House, by Mr. Wellford, his private secretary, the following communication:

EXECUTIVE OFFICE, *February 12, 1835*

To the Legislative Council:

I return to you the act asked for, entitled "An act to incorporate Southern Life Insurance and Trust Company." It did not accompany my first communication made to you, because there were printed bills in the possession of the House which afforded all the information which particular enactment of the enrolled one contained, and which the Council could require. The act sent to me was not *disapproved*; my message contained reasons and suggestions which I thought, if adopted, would prove the charter of the act, and carry more effectually and securely the objects which I presumed the Legislature had in view in passing it. Hence did I infer that neither reason nor the law demanded or required it to be returned. I entertain still the same opinion, and comply with the request preferred by the Council more in a spirit of harmony and courtesy than from any opinion entertained that my first view of this subject is at all incorrect.

JOHN H. EATON

Which was read; whereupon, Mr. Downing moved that the House now order the act to be enrolled, so as to conform to the amendments adopted; which motion prevailed, and was agreed to by the House.

SATURDAY, *February 14*.—His excellency the Governor transmitted to this House, by Mr. Wellford, his private secretary, the following communication:

EXECUTIVE OFFICE, *February 14, 1835*

To the Legislative Council:

I have approved, signed, and filed with the Secretary, the following: to wit:

"An act to incorporate the Southern Life Insurance and Trust Company."

JOHN H. EATON

[Extracts from the Journals of 1840.]

Wednesday, January 15.—His excellency the Governor transmitted to the House the following communication and resolution:

To the honorable the Legislative Council of Florida:

I herewith transmit to both branches of the Legislative Council copies of a letter and resolution received yesterday from the Secretary of State of the United States.

In the Senate of the United States, December 30, 1839.

Resolved, That the President of the United States be requested to obtain from the constituted authorities in Florida, and to communicate to the Senate a statement of the amount of all the Territorial bonds issued and authorized to be issued in that Territory; with copies from the Journals of the Legislative Council, showing everything that was done in authorizing the issue of such bonds, with the names of the members of the Council at the time, and their votes in each case; the names of the Governors who may have approved laws for the issuing of Territorial bonds, or who may have signed or endorsed the said bonds: also, the purposes for which such bonds were issued; and, when issued in favor of corporations, the names of the corporations, and the corporators, and their officers, and the use made of the said bonds; and the present value of said bonds in the American and European markets, with the condition of the corporations which have had the use of said bonds, and how far they are answering the purposes for which they were created: also, a statement of all the acts of incorporation which have been passed by the said Legislative Council of Florida since the third day of March, 1823, and the acts in amendment thereof, and when and how the said acts were "reported to the President of the United States to be laid before Congress."

Attest:

ASBURY DICKINS, *Secretary*.

Which were read.

Mr. Lancaster moved that the aforementioned documents be laid upon the table.

The yeas and nays were called for on this question by Messrs. Blackburn and Anderson, and were—

Yeas—Messrs. Dubois, Fitzpatrick, Gibbs, Lancaster, Livingston, Martin, McKinnon, Mason, Myers, Nunis, Putnam—11.

Nays—Mr. Speaker, Messrs. Anderson, Archer, Bell, Blackburn, Carter, Ferguson, Irwin, Meacham, Snell, Taylor, Thigpin, Walker, and Williams—14.

So the motion was lost.

On motion of Mr. Ferguson, said documents were referred to the Committee on Banks, and five hundred copies of the resolution ordered to be printed.

Thursday, January 16, 1840.—Mr. Blackburn, from the Committee on Banks, made the following report:

The Committee on Banks, to whom was referred the consideration of the message of the Governor, in relation to the resolutions of the Senate of the United States, calling for information on the subject of banks and other corporations in this Territory, beg leave to report that they have had the same under consideration, and respectfully recommend the following resolution:

Resolved, That the Committee on Banks be instructed to obtain, in pursuance of said resolution, such information as is not matter of record in the Executive office; and that said committee be authorized, if necessary, to send for persons and papers, to administer oaths, to take the testimony of witnesses; and be also authorized to employ a clerk or clerks while engaged in such duty: and they be instructed particularly to inquire and report the names of the corporators of the Bank of Pensacola, of the Union Bank of

Florida, and of the Southern Life Insurance and Trust Company, and officers; and the use made of said bonds, and the present value of bonds in the American and European markets; with the condition of said corporations, and how far they are fulfilling the purposes for which they were created.

E. E. BLACKBURN, *Chairman*

Which was read and concurred in, and said resolution read and ordered for a second reading on to-morrow.

Friday, January 17, 1840.—The resolution reported by the Committee on Banks was laid on the table until to-morrow.

Saturday, January 18, 1840.—The House went into Committee of the Whole on the resolution heretofore reported by the Committee on Banks. Mr. Fitzpatrick in the chair. After some time spent in consideration thereof, the committee rose, and, by their chairman, reported said resolution, which the House amended.

Upon the question of receiving and concurring in the report of the committee, the yeas and nays were called for by Messrs. Lancaster and Blackburn, and were—

Yeas—Mr. Speaker, Messrs. Anderson, Archer, Bell, Blackburn, Carr, Irwin, McRaney, Mason, Nunis, Snell, Tabor, Taylor, Thigpin, Williams, and Williams—16.

Nays.—Messrs. Fitzpatrick, Gibbs, Lancaster, Livingston, Martin, Kinnon, Myers, and Putnam—8.

So the report was concurred in, and said resolution adopted.

No. 2.

A statement of all the acts of incorporation which have been passed by said Legislative Council of Florida, since the 3d day of March, 1823, and the acts in amendment thereof.

No. 20, of 1823, chapter 77.—An act to incorporate Floridian Village Lodge, No. 28, in the city of Saint Augustine; passed June 25, 1823.

No. 31, of 1823, chapter 88.—An act to amend an "act, entitled an act to incorporate the city of Pensacola, and improve the public roads in the neighborhood thereof;" passed June 28, 1823.

No. 39, of 1823, chapter 96.—An act to incorporate the Roman Catholic Congregation of Saint Augustine; passed June 30, 1823.

No. 40, of 1823, chapter 97.—An act to incorporate the Protestant Episcopal Congregation of the city of Saint Augustine; passed June 30, 1823.

No. 17, of 1823, chapter 74.—An act to incorporate the Charitable Society in the city of Saint Augustine; passed July 1, 1823.

No. 1, of 1824, chapter 114.—An act to incorporate the Presbyterian Congregation of the city of Saint Augustine; passed November 17, 1824.

No. 9, of 1824, chapter 122.—An act to incorporate the Roman Catholic Congregation of the city of Pensacola; passed December, 1824.

No. 10, of 1824, chapter 123.—An act to incorporate the Charitable Society of Saint Augustine; passed December, 1824.

No. 15, of 1824, chapter 128.—An act to incorporate the City of Pensacola, and improve the public roads in the neighborhood thereof; passed December 10, 1824.

1824, chapter 138.—An act to incorporate the City of Saint Augustine; passed December 21, 1824.

1824, chapter 158.—An act to incorporate the Roman Catholic City of Saint Augustine; passed December 24, 1824.

1824, chapter 165.—An act to incorporate the City of Fernandina; passed December 21, 1824.

1825, chapter 175.—An act to incorporate the City of Pensacola, and improve the public roads in the neighborhood thereof; passed March 3, 1825.

1825, chapter 193.—An act to incorporate the Jackson Lodge No. 1, in the city of Tallahassee; passed December 6, 1825.

1825, chapter 202.—An act to incorporate the City of Tallahassee; passed December 5, 1825.

1825, chapter 209.—An act in addition to an act to incorporate the City of Pensacola, and improve the public roads thereof; passed October 10, 1825.

1826-'27, chapter 254.—An act to amend an act, entitled "An act to incorporate the City of Saint Augustine;" passed January 17, 1827.

1826-'27, chapter 255.—An act to incorporate the City of Saint Augustine; passed January 10, 1827.

1826-'27, chapter 266.—An act to amend the act, entitled "An act to incorporate the City of Pensacola;" passed January 6, 1827.

1827-'28, chapter 283.—An act to amend, and in addition to an act, entitled "An act to incorporate the City of Saint Augustine;" passed December 20, 1827.

1827-'28, chapter 284.—An act to amend an act to incorporate the City of Tallahassee; passed December 24, 1827.

1827-'28, chapter 307.—An act to incorporate the Island of Santa Rosa; passed January 8, 1828.

1827-'28, chapter 323.—An act to incorporate the Chipola Canal Company, with powers to construct a canal or railway between the river and the eastern arm of the Saint Andrew's bay; passed January 28, 1828.

1827-'28, chapter 330.—An act to incorporate a Wharf Company in the city of Pensacola; passed January 17, 1828.

1829, chapter 311.—An act to incorporate the Protestant Episcopal congregation of the city of Pensacola; passed 14th October, 1829.

1829, chapter 420.—An act to incorporate the Protestant Episcopal congregation of Tallahassee, Saint John's Parish; passed 30th October, 1829.

1829, chapter 428.—An act to incorporate the Lafayette Salt Works, at Key West; passed 6th November, 1829.

1829, chapter 436.—An act to incorporate the town of West Palm Beach; passed 2d November, 1829.

1829, chapter 439.—An act to incorporate the Bank of Florida, and to repeal "an act to incorporate the Bank of Florida;" passed 23d November, 1829.

1829, chapter 452.—An act to incorporate the Bank of West Florida; passed 14th November, 1829.

1829, chapter 456.—An act to amend an act to incorporate the Bank of West Florida; passed 20th November, 1829.

No. 49, of 1829, chapter 459.—An act to incorporate Webbville, in Jackson county; passed November 19, 1829.

No. 53, of 1829, chapter 463.—An act to amend an act to incorporate town of Magnolia; passed 13th November, 1829.

No. 65, of 1829, chapter 475.—An act to amend the several acts to incorporate the City of Pensacola; passed 21st November, 1829.

An act to alter and amend an act to incorporate the town of West Point and for other purposes; passed January 13, 1831.

An act to amend an act to incorporate the City of Tallahassee; passed February 13, 1831.

An act to amend "An act to incorporate the town of Magnolia;" passed February 9, 1831.

An act to incorporate the Jackson Spring, in Hamilton county; passed February 4, 1831.

An act to incorporate the town of Monticello, in Jefferson county; passed February 4, 1831.

An act to amend an act, entitled "An act to incorporate the town of Quincy;" approved November 21, 1828; passed February 7, 1831.

An act to amend the several acts incorporating the towns of Marianna and Webbville, in Jackson county; passed February 9, 1831.

An act to incorporate a bank, by the name and style of the Bank of Pensacola; passed January 19, 1831.

An act to incorporate a company to be entitled "The Saint Mark's Navigation Company;" passed February 12, 1831.

An act to incorporate a bank in the city of Saint Augustine; passed January 31, 1831.

An act to incorporate the City of Fernandina; passed February 10, 1831.

An act to incorporate a company to be entitled "The Leon Railroad Company;" passed February 9, 1831.

An act to incorporate the Planters' and Citizens' Canal Company, in the eastern district of Florida; passed February 8, 1831.

An act to incorporate a company to be entitled "The Wacissa and Tallahassee Navigation Company;" passed February 3, 1831.

An act to incorporate the Trustees of Pensacola Academy; passed February 10, 1831.

An act to incorporate the Trustees of Leon Academy; passed February 10, 1831.

An act to amend the several acts incorporating the Bank of West Florida; passed February 10, 1831.

No. 2 of 1832.—An act to incorporate the Tropical Plant Company in Florida; passed January 14, 1832.

No. 4 of 1832.—An act to alter and amend the charter of the Bank of Pensacola; passed January 18, 1832.

No. 5 of 1832.—An act to alter and amend an act to incorporate a company, to be entitled "the St. Mark's Navigation Company;" passed January 17, 1832.

No. 13 of 1832.—An act to incorporate the Trustees of Quincy Academy; passed January 23, 1832.

No. 8 of 1832.—An act to incorporate the Trustees of Jefferson County Academy; passed January 18, 1832.

No. 14 of 1832.—An act to incorporate the city of Key West; passed January 3, 1832.

No. 43 of 1832.—An act to incorporate a bank in the town of Magnolia ; passed January 16, 1832.

No. 44 of 1832.—An act to incorporate the town of Ochesu ; passed February 3, 1832.

No. 56 of 1832.—An act to incorporate a company to be called the St. Andrews and Chipola Canal Company ; passed February 3, 1832.

No. 58 of 1832.—An act to incorporate the Leon Railroad Company ; passed February 6, 1832.

No. 70 of 1832.—An act to incorporate the town of Jacksonville ; passed February 9, 1832.

No. 74 of 1832.—An act to incorporote a bank in the city of Tallahassee ; passed February 9, 1832.

No. 59 of 1832.—An act to amend an act to incorporate a bank in the town of Magnolia ; passed February 11, 1832.

No. 40 of 1833, chapter 697.—An act to incorporate the subscribers to the Union Bank of Florida ; passed February 12, 1833.

No. 41 of 1833, chapter 698.—An act amendatory to the several acts incorporating the Bank of West Florida ; passed January 15, 1833.

No. 43 of 1833, chapter 700.—An act to incorporate the Commercial Bank of Florida ; passed January 31, 1833.

No. 44 of 1833, chapter 701.—An act to amend an act, entitled " An act to incorporate the Bank of Florida, and to repeal an act to incorporate the Bank of Florida," passed November 17, 1829 ; passed February 17, 1833.

No. 45 of 1833, chapter 702.—An act to incorporate the Protestant Episcopal Congregation of Key West ; passed January 24, 1833.

No. 46 of 1833, chapter 703.—An act to incorporate the Columbia Salt Company of Key West ; passed February 17, 1833.

No. 47 of 1833, chapter 704.—An act to incorporate the St. John's and St. Augustine Canal Company ; passed February 15, 1833.

No. 48 of 1833, chapter 705.—An act to incorporate the Marianna Academy ; passed January 31, 1833.

No. 49 of 1833, chapter 706.—An act to incorporate the Presbyterian congregation of Tallahassee ; passed February 13, 1833.

No. 50 of 1833, chapter 707.—An act to incorporate the town of St. Mark's ; passed January 26, 1833.

No. 51 of 1833, chapter 708.—An act to incorporate the city of St. Augustine, and to repeal the act entitled " An act to incorporate the city of St. Augustine," approved February 11, 1831 ; passed January 26, 1833.

No. 52 of 1833, chapter 709.—An act to incorporate the city of Pensacola, and to repeal the act entitled " An act to incorporate the city of Pensacola, and improve the public roads in the neighborhood thereof," approved December 5, 1825 ; passed February 16, 1833.

No. 55 of 1833, chapter 712.—An act to incorporate Senybal and Murray towns ; passed February 17, 1833.

No. 35 of 1834, chapter 774.—An act to incorporate the College of Pensacola ; passed February 8, 1834.

No. 36 of 1834, chapter 775.—An act amendatory to the act incorporating the Trustees of the Pensacola Academy, approved February 12, 1831 ; passed February 14, 1834.

No. 38 of 1834, chapter 777.—An act to incorporate the town of Jacksonville ; passed February 9, 1834.

No. 40 of 1834, chapter 779.—An act to incorporate the St. Augustine Athenaeum ; passed February 8, 1834.

No. 41 of 1834, chapter 780.—An act to amend an act entitled “to incorporate the Protestant Episcopal congregation in the city of Augustine;” passed February 10, 1834.

No. 42 of 1834, chapter 781.—An act in addition to the act of incorporating the city of St. Augustine; passed February 11, 1834.

No. 43 of 1834, chapter 782.—An act to amend an act incorporating town of Marianna; passed February 11, 1834.

No. 44 of 1834, chapter 783.—An act to incorporate the town of Hoochie, in Gadsden county; passed January 20, 1834.

No. 45 of 1834, chapter 784.—An act to amend an act to incorporate town of St. Marks; passed January 31, 1834.

No. 50 of 1834, chapter 789.—An act in addition to the act incorporating the Lafayette Salt Company, at Key West; passed February 12, 1834.

No. 51 of 1834, chapter 790.—An act to incorporate the Marine Company of the city of Key West; passed February 14, 1834.

No. 52 of 1834, chapter 791.—An act to incorporate the Florida Peninsula and Jacksonville Railroad Company; passed February 13, 1834.

No. 53 of 1834, chapter 792.—An act to incorporate the Florida, Alabama, and Georgia Railroad Company.

No. 79 of 1834, chapter 818.—An act to incorporate a bank in the city of Jackson; passed February 6, 1834.

No. 80 of 1834, chapter 819.—An act supplemental to the charter of Merchants and Planters' Bank of Magnolia; passed February 15, 1834.

No. 81 of 1834, chapter 820.—An act supplemental to the several acts incorporating the Bank of Pensacola; passed February 10, 1834.

No. 82 of 1834, chapter 821.—An act in addition to, and amending the charter of the Central Bank of Florida; passed February 11, 1834.

No. 1 of 1835, chapter 824.—An act to incorporate the East Florida Railroad Company; passed February 7, 1835.

No. 2 of 1835, chapter 825.—An act to incorporate the Pensacola Perdido Railroad and Canal Company.

No. 4 of 1835, chapter 827.—An act to incorporate the Union Bank Company in the Territory of Florida.

No. 5 of 1835, chapter 828.—An act to revive an act to incorporate St. Andrew's and Chipola Canal Company; passed February 10, 1835.

No. 6 of 1835, chapter 829.—An act to incorporate a company to be called the Lake Winnico and St. Joseph's Canal Company; passed February 11, 1835.

No. 7 of 1835, chapter 830.—An act to incorporate the Escambia Manufacturing Company; passed February 11, 1835.

No. 8 of 1835, chapter 831.—An act to amend an act, entitled “an act to incorporate the subscribers to the Union Bank of Florida;” passed February 14, 1835.

No. 9 of 1835, chapter 832.—An act to amend an act entitled “an act to incorporate the Florida Peninsula and Jacksonville Railroad Company,” approved February 15, 1835; passed February 13, 1835.

No. 10 of 1835, chapter 833.—An act to amend an act to incorporate the town of Jacksonville; passed February 10, 1835.

No. 11 of 1835, chapter 834.—An act to incorporate the Pond Creek and Blackwater River Canal Company; passed February 18, 1835.

No. 12 of 1835, chapter 835.—An act to amend the several acts incorporating the town of Appalachicola; passed February 9, 1835.

1835, chapter 836.—An act to incorporate the Bank of Jacksonville; passed February 10, 1835.

1835, chapter 837.—An act to revive and amend an act entitled to incorporate a company, entitled 'The Wacissa and Aucilla Company;' passed February 4, 1835.

1835, chapter 838.—An act to incorporate the Methodist Episcopal Church in St. Augustine; passed January 12, 1835.

1835, chapter 839.—An act to incorporate the St. Augustine Company; passed January 26, 1835.

1835, chapter 840.—An act to repeal an act entitled "An act to amend the City of Key West;" passed January 24, 1835.

1835, chapter 841.—An act conferring additional powers on the City of St. Augustine; passed January 31, 1835.

1835, chapter 842.—An act to revive and amend an act entitled to incorporate the town of Monticello, in Jefferson county;" passed February 1, 1835.

1835, chapter 843.—An act to increase the capital of the Bank of Jacksonville, and to amend the laws incorporating said bank, and for other purposes; passed February 13, 1835.

1836, chapter 921.—An act to amend an act entitled "An act to incorporate a company to be called the Lake Wimieo and St. Joseph's Company;" approved February 11, 1835—passed January 14, 1836.

1836, chapter 946.—An act to amend the charter of the Union Bank of Florida; passed February 5, 1836.

1836, chapter 947.—An act to incorporate the city of St. Joseph; passed January 11, 1836.

1836, chapter 948.—An act to amend an act entitled "An act to amend the town of Appalachicola;" passed February 10, 1836.

1836, chapter 949.—An act to alter the charter of the Life Insurance and Trust Company; passed February 10, 1836.

1836, chapter 966.—An act for the relief of the Central Bank of Jacksonville; passed February 12, 1836.

1836, chapter 971.—An act to incorporate the St. Augustine and Jacksonville Railroad Company; passed February 8, 1836.

1836, chapter 972.—An act to incorporate the Bank of St. Augustine; passed February 12, 1836.

1836, chapter 973.—An act to incorporate the Florida Insurance and Banking Company; passed February 14, 1836.

1836, chapter 976.—An act to incorporate the St. Joseph Insurance Company; passed February 12, 1836.

1836, chapter 977.—An act to incorporate the city of Key West; passed January 22, 1836.

1837.—An act to amend "An act to incorporate the town of Monticello;" passed 27th January, 1837.

1837.—An act to amend the several acts incorporating the town of Monticello, Jefferson county; passed 27th January, 1837.

1837.—An act to amend the charter of the Tallahassee Railroad Company; approved 3d February, 1837.

1837.—An act to incorporate the town of St. Marks; approved February, 1837.

1837.—An act to incorporate the Florida Transportation Company; approved 12th February, 1837.

No. 12 of 1837.—An act to amend an act entitled “An act to incorporate a company to be called the St. Andrews and Chipola Canal company;” approved February 12, 1837.

No. 13 of 1837.—An act to incorporate the Florida Insurance Company at Tallahassee; approved February 12, 1837.

No. 14 of 1837.—An act to incorporate the Franklin Bank of Florida; approved 12th February, 1837.

No. 19 of 1837.—An act to amend an act entitled “An act to incorporate the Bank of Jacksonville;” approved February 12, 1837.

No. 20 of 1837.—An act to amend an act entitled “An act to incorporate the subscribers to the Union Bank of Florida;” approved February 1837.

No. 21 of 1837.—An act to amend the several acts incorporating Lake Wimico and St. Joseph Canal and Railroad Company; approved February 12, 1837.

No. 22 of 1837.—An act to amend an act entitled “An act to amend the charter of the Southern Life Insurance and Trust Company, approved February one thousand eight hundred and thirty-six;” approved 12th February, 1837.

No. 25 of 1837.—An act to amend “An act to incorporate the St. Augustine and Picolata Railroad Company;” approved February 12, 1837.

No. 26 of 1837.—An act to amend the several acts heretofore passed in relation to the Bank of Pensacola; approved February 12, 1837.

No. 27 of 1837.—An act to incorporate the East and South Florida Canal Company; approved February 12, 1837.

No. 28 of 1837.—An act to incorporate the Marine Insurance Bank at Appalachicola; approved February 10, 1837.

No. 29 of 1837.—An act to incorporate the Southern College of St. Augustine; approved February 11, 1837.

No. 31 of 1837.—An act to amend the charter of the city of Pensacola; approved 11th February, 1837.

No. 32 of 1837.—An act to revive and amend “An act incorporating the town of Marianna; approved the 11th February, 1837.

No. 40 of 1837.—An act to incorporate the Protestant Episcopal Church in the city of St. Joseph; approved 11th February, 1837.

No. 42 of 1837.—An act to incorporate the town of Quincy; approved February 12, 1837.

No. 44 of 1837.—An act to amend the incorporation of the city of St. Joseph; approved 12th February, 1837.

No. 45 of 1837.—An act to amend “An act to incorporate the Commercial Bank of Florida;” approved 12th February, 1837.

No. 47 of 1837.—An act to incorporate the Franklin Insurance Company; Approved 12th February, 1837.

No. 48 of 1837.—An act to incorporate a company for the establishment of a ferry across the Ancilla river, at the Flat Ford, in Jefferson county; approved 11th February, 1837.

No. 52 of 1837.—An act to incorporate the Washington Lumber Company; approved 12th February, 1837.

No. 53 of 1837.—An act to incorporate the Episcopal Church in the city of Appalachicola; approved 11th February, 1837.

No. 57 of 1837.—An act to incorporate Readsville, at the Gadsden Springs in Columbia; approved February 12, 1837.

No. 2 of 1838.—An act to amend an act entitled "An act to incorporate the Methodist Episcopal Church in St. Augustine;" approved January 13, 1835; passed January 9, 1838.

No. 7 of 1838.—An act further to amend "An act to incorporate the Lafayette Salt Company of Key West;" approved 12th November, 1829; passed January 23, 1838.

No. 9 of 1838.—An act amendatory to the several acts incorporating the city of St. Joseph; passed January 25, 1838.

No. 10 of 1838.—An act to amend an act entitled "An act to incorporate the Bank of Jacksonville; approved February 14, 1835." Passed January 26, 1838.

No. 18 of 1838.—An act to amend an act entitled "An act to incorporate the city of Appalachicola;" passed January 31, 1838.

No. 19 of 1838.—An act concerning corporations; passed February 2, 1838.

No. 21 of 1838.—An act to incorporate the Florida Peninsular Railroad and Steamboat Company; passed 5th February, 1838.

No. 22 of 1838.—An act to incorporate the Southern Joint Stock Company, for the establishment of certain manufactories, and other works, and the encouragement of labor in Florida; passed 5th February, 1838.

No. 28 of 1838.—An act to charter and incorporate the trustees of the St. Andrew's College in West Florida; passed 6th February, 1838.

No. 31 of 1838.—An act to incorporate the Tropical Plant Company of Florida; passed February 6, 1838.

No. 33 of 1838.—An act to change the corporate name and style of the Pond Creek and Black Water River Canal Company, and for other purposes; passed February 7, 1838.

No. 38 of 1838.—An act supplemental to the several acts incorporating the Bank of Pensacola; passed February 9, 1838.

No. 41 of 1838.—An act to amend an act to incorporate the Farmers' Bank of Florida; passed February 9, 1838.

No. 41 of 1838.—An act to incorporate the Alachua Land Company; passed February 9, 1838.

No. 43 of 1838.—An act to amend the act to incorporate the Roman Catholic congregation of the city of Pensacola; passed February 10, 1838.

No. 44 of 1838.—An act to incorporate the Protestant Episcopal Church in the diocese of Florida; passed February 10, 1838.

No. 45 of 1838.—An act further to amend the charter of the Southern Life Insurance and Trust Company; passed February 10, 1838.

No. 52 of 1838.—An act to incorporate the Florida Steampacket Association; passed February 10, 1838.

No. 53 of 1838.—An act to repeal "An act to incorporate the stockholders of the Union Bank of Florida," so far as it relates to the establishment of a branch in Marianna; passed February 10, 1838.

No. 54 of 1838.—An act to incorporate the Dade Institute of Florida; passed February 10, 1838.

No. 55 of 1838.—An act to incorporate the city of Key West; passed February 11, 1838.

No. 59 of 1838.—An act to amend "An act incorporating the East and South Florida Canal Company;" passed February 11, 1838.

No. 60 of 1838.—An act to incorporate the Pensacola City Company; passed February 11, 1838.

No. 61 of 1838.—An act to amend an act entitled "An act to incorporate the Southern College at St. Augustine;" approved February 11, 1838; passed February 11, 1838.

No. 14 of 1839.—An act to amend an act entitled "An act to incorporate the subscribers to the Union Bank of Florida;" approved March 1, 1839.

No. 15 of 1839.—An act to incorporate the Bank of Appalachicola; approved March 4, 1839.

No. 16 of 1839.—An act to prevent the future exercise of corporate privileges by certain banking corporations; approved March 4, 1839.

No. 18 of 1839.—An act to create a body corporate and politic by the name of the "St. Joseph's Chamber of Commerce;" approved March 2, 1839.

No. 21 of 1839.—An act to incorporate the Ocilla Academy, in the county of Jefferson; approved February 29, 1839.

No. 22 of 1839.—An act to establish an academy on the Micanopy Lake, in the county of Leon, and to incorporate the trustees thereof; approved February 25, 1839.

No. 23 of 1839.—An act to incorporate the trustees of the Calhoun Academy, in the county of Madison; approved February 23, 1839.

No. 25 of 1839.—An act to incorporate the Alachua Academy; approved February 23, 1839.

No. 26 of 1839.—An act to incorporate the trustees of the Presbyterian Church, in Tallahassee; approved March 2, 1839.

No. 27 of 1839.—An act to incorporate the Presbyterian congregation at Mandarin; approved February 8, 1839.

No. 28 of 1839.—An act to incorporate the Protestant Episcopal Church at Jacksonville; approved February 23, 1839.

No. 29 of 1839.—An act to incorporate St. Paul's Church, at Quincy, Florida; approved February 28, 1839.

No. 30 of 1839.—An act to incorporate the town of Newnansville; approved February 25, 1839.

No. 31 of 1839.—An act to amend an act passed January 31, 1838, entitled, "An act to incorporate the city of Appalachicola;" approved March 1, 1839.

No. 32 of 1839.—An act to amend the several acts incorporating the town of Marianna; approved March 4, 1839.

No. 33 of 1839.—An act to amend the act incorporating the city of St. Joseph's; approved March 1, 1839.

No. 34 of 1839.—An act to incorporate the city of Pensacola, and to amend the act entitled "An act to incorporate the city of Pensacola, and improve the public roads in the neighborhood thereof," approved February 18, 1833; approved March 2, 1839.

No. 35 of 1839.—An act supplemental to the act incorporating the Lafayette Salt Company, at Key West; approved February 25, 1839.

No. 36 of 1839.—An act to amend an act entitled "An act to incorporate the St. Andrew's and Chipola Canal Company;" approved March 4, 1839.

No. 37 of 1839.—An act to amend the several acts to incorporate the Lake Winnico and St. Joseph Canal and Railroad Company; approved March 4, 1839.

No. 53 of 1833, chapter 711.—An act to amend the several acts incorporating the town of Appalachicola, and for other purposes; passed February 15, 1833.

No. 54 of 1834, chapter 793.—An act to incorporate the Tallahassee Railroad Company; passed February 6, 1834.

835, chapter 826.—An act to incorporate the Southern Life and Trust Company ; passed February 12, 1835.

1837.—An act to establish an academy in the county of Gadsden to incorporate the trustees thereof ; passed February 11, 1837.

No. 3.

UNION BANK OF FLORIDA, *April 16, 1834.*

Meeting of the board of directors, held this day, the following was adopted :

That the president of this bank address a letter to the Governor of the Territory, requesting him to issue three hundred and sixty bonds of one thousand dollars each, in conformity with the provisions of the charter of the bank in the 10th, 12th, and 13th sections.

JOHN G. GAMBLE, *President.*

UNION BANK OF FLORIDA, *April 16, 1834.*

I have the honor to receive above a copy of a resolution, passed by the board of directors of this bank, requesting that you will issue three hundred bonds of one thousand dollars each, under the provisions of the charter of the bank in the 10th and 13th sections of the charter.

I am, very respectfully, your fellow-citizen,

JOHN G. GAMBLE, *President.*

Wm. P. Duval, *Gov.*

EXECUTIVE OFFICE,

Tallahassee, April 16, 1834.

I have the honor to acknowledge the receipt of your letter of this day, in relation to the resolution of the board of directors, requesting the Governor of Florida to issue three hundred and sixty bonds of one thousand dollars each, in conformity with the provisions of the charter of the Union Bank of Florida, in the 10th, 12th, and 13th sections of the charter. The bonds required by the resolution referred to are being prepared, and will be delivered according to the desire of the board.

Your assistance is thankfully accepted in the preparation necessary to issue those bonds.

I am, very respectfully, your obedient servant,

WM. P. DUVAL.

JOHN G. GAMBLE, Esq.,

President of the Union Bank of Florida.

UNION BANK OF FLORIDA, *April 16, 1834.*

I have received of his Excellency Wm. P. Duval, Governor of the State of Florida, three hundred and sixty bonds of one thousand dollars each, bearing interest at six per centum per annum, payable half year-

ly, and payable to the order of the president, directors, and company the Union Bank of Florida. Of these, ninety bonds are payable on first day of January, 1858; ninety are payable on the first day of January, 1860; ninety are payable on the first day of January, 1862; and ninety are payable on the first day of January, 1864. These bonds are delivered on this day, and are numbered from No. 1 to No. 360, inclusive; and have been issued to the order of the board of directors of this bank, in compliance with the provisions of the charter of said bank.

JOHN G. GAMBLE, *President*

I, John G. Gamble, president of the Union Bank of Florida, do hereby acknowledge to have received of John H. Eaton, Governor of Florida, one hundred and forty bonds of one thousand dollars each, numbered as follows, to wit: from three hundred and sixty-one to one thousand, numbers inclusive. The said bonds, amounting to six hundred and four thousand dollars, have been issued by said John H. Eaton and received by me, in virtue of the provisions of an act passed by the Governor and Legislative Council of Florida on the 13th day of February, 1835, entitled "An act to incorporate the subscribers to the Union Bank of Florida."

Given under my hand this 10th day of February, 1835,

[L. s.] the seal of said Union Bank.

JOHN G. GAMBLE, *President*

MEMORANDUM.

On the 29th April, 1835, Governor Eaton endorsed five hundred bonds of the Bank of Pensacola, as provided for by an act entitled, "An act to increase the capital stock of the Bank of Pensacola, and to amend the charter incorporating said bank, and for other purposes;" passed February 18, 1835, and approved February 14, 1835.

Said bonds being marked as follows: A, B, C, D, E, and numbered 1 to 100, both inclusive, of each letter; and on the 21st of May, 1835, the endorsements were countersigned by the secretary of Florida, and on the 21st and 22d May, 1835, the seal of the Territory was affixed thereto, and on the said last day they were delivered to Walter Gregory, president of the Bank of Pensacola.

R. G. WELLFORD, *Pr. Secy.*

UNION BANK OF FLORIDA, *January 28, 1835*

SIR: The first Monday in February is designated for the election of seven directors of the Union Bank of Florida, to be chosen by the stockholders; and previous thereto, it is necessary that the five directors from the part of the Territory should be appointed. I, therefore, take the liberty of handing a list of the names of such *subscribers* to that bank as, by presenting the appraisements of their property, have evinced an intention of becoming *stockholders*. I know that their appraisements will be presented, but it is also known that many who have *subscribed* do not intend to perfect the measures necessary to make them stockholders; and, as the charter requires that the directors shall be taken from the latter class, I have deemed it my duty to send you this list.

Very respectfully,

JOHN G. GAMBLE, *President*

His Excellency Gov. DUVAL.

of such subscribers to the stock of the Union Bank of Florida as evinced their determination to become stockholders by furnishing appraisements, &c.

<i>Jefferson county.</i>		<i>Gadsden county.</i>	
m Rothwell	- 11 shares.	James P. Poythup	- 13 shares.
nd B. Vass	- 133 "	James Thurmend	- 21 "
G. Gamble	- 594 "	James H. Hext	- 12 "
. Stephens	- 68 "	P. H. Wooten	- 35 "
B. Nuttall	- 290 "	John C. Love	- 29 "
t Gamble	- 618 "	John Edwards	- 11 "
el Langley	- 66 "	Chas. H. Dupont	- 50 "
A. Cuthbert	- 208 "	J. A. Wooten	- 66 "
Gadsden	- 101 "	Henry Gee	- 78 "
P. Randolph	- 60 "	Wm. Maner	- 174 "
	2,149 "	S. B. Wilson	- 18 "
		Joseph McBride	- 51 "
		Wm. Norwood	- 46 "
		James Gibson	- 19 "
		F. Fitzgerald	- 131 "
		F. Preston, jr.	- 71 "
		R. H. Blount	- 10 "
		D. S. McBride	- 48 "
			883 "
<i>Leon county.</i>		<i>Fayette county.</i>	
m Brown	- 120 shares.	Sampson Pope	- 28 shares.
W. Ward	- 97 "	JOHN G. GAMBLE, <i>President.</i>	
A. Thompson	- 20 "		
P. Duval	- 39 "		
Allen, R. Lewis, }	429 "		
Wm. H. Duval }			
	705 "		

RECAPITULATION.

Jefferson county	-	- 2,149 shares.
Leon county	-	- 705 "
Gadsden county	-	- 883 "
Fayette county	-	- 28 "
		3,765 "

UNION BANK OF FLORIDA, *January 21, 1835.*

I herewith transmit a list of the names of such stockholders in Union Bank of Florida who have perfected their titles, and are owners of twenty shares and upward.

The names of such stockholders as have had titles approved, but have not returned their mortgages with certificate of being recorded, and the names of females who are stockholders, are excluded from the list.

Very respectfully,

JOHN G. GAMBLE, *President.*

His Excellency JOHN H. EATON,
Governor of the Territory of Florida.

*A list of stockholders owning twenty shares and upward in the stock
Union Bank of Florida.*

Leon county.

Thomas Brown
R. C. Allen
Romeo Lewis
S. H. Duval
H. W. Braden
Joshua Croom
John Williams Lea
Canada Rouse
A. F. Duval
David M. Graham
Wm. Wyatt
Augustus Alston
Tom Peter Chaires
Arthur Macon

Gadsden county.

Wm. Maner
Jos. McBride
David S. McBride
Chas. H. Dupont
Jesse McCall
Thos. Preston*
F. Fitzgerald
John C. Love
Henry Gee
Jas. A. Wooten
S. B. Wilson
F. Armistead*
J. T. J. Wilson
Wm. Norwood
P. H. Wooten
Jas. Wilson
Stephen Paramore

Jefferson county.

John G. Gamble

Wm. B. Nuttall
John A. Cuthbert
C. W. Stevens
Rob. Gamble
Dan. Bird
Adm. Wyrick
Sam. Langley
Tom Peter Randolph
Achille Murat
Paul Ulmer
F. C. Priolean
James Gadsden
Edmund B. Vass
C. D. Jacminot
Jos. B. Watts

Jackson county.

T. & J. B. Watson
John W. Campbell*
Sampson Pope
Wm. S. Mooring
Wm. S. Pope
Jas. J. Pitman
Peter Simons
Jacob Robinson
P. W. Gautier, sr.
P. W. Gautier, jr.
Thos. Orman
Andrew Young
Wm. Sloane
Jos. Russ.

Madison county.

John Miller
John C. McGehee
Thos. Livingston
Wm. Livingston
Jas. B. Mays

JOHN G. GAMBLE,
Pres't Union Bank of

* These have removed from the Territory.

UNION BANK OF FLORIDA,

Tallahassee, January 19, 1838.

SIR: Herewith I beg leave to transmit you a list of the stockholders of this institution owning twenty shares and upward, out of which a selection is to be made of directors for the ensuing year on the part of the Territory.

Very respectfully, &c.,

JOHN PARKHILL, *Cashier.*

His Excellency R. K. CALL,

Governor of the Territory of Flor.

List of stockholders in the Union Bank of Florida, owners of twenty shares and upward.

January 12, 1838.

Fabian Armistead
Augustus Alston
Robert W. Alston
Rich. C. Allen
H. W. Braden
Thos. A. Bradford
Edw. Bradford
Simons J. Baker
Sam. C. Bellamy
Dan. Bird
Thomas Brown
John W. Bush
John R. Chapman
Tom Peter Chaires
Joshua Croom, dec'd
Wms. S. Dickson
C. H. Dupont
Alex. F. Duval
J. D. Edwards
F. Fitzgerald
John G. Gamble
James Gadsden
Peter W. Gautier, sr.
Peter W. Gautier, jr.
Octavius H. Gadsden
Henry Gee
Wm. D. Harrison, dec'd
Rob. L. Harrison
Rob. Gamble
Dennis Hankins
Richard Hayward
J. Hunter
Claude D. Jacminot
John Wms. Lea
Wm. Livingston

Thos. Livingston
John C. Love
Jesse McCall
Wm. Maner
James B. Mays
Banks Meacham
John C. McGehee
Jos. McBride
David S. McBride
John Miller
Wm. S. Moorning
John McLemore, dec'd
Achille Murat
Thos. Monroe
Malcolm Nicholson
Wm. B. Nuttall's estate
Thomas Orman
Orman & Young
Stephen Panamore
Samuel Parkhill
John Parkhill
F. C. Priolean
Jas. J. Pittman
Sampson Pope, dec'd
Wm. S. Pope
T. P. Randolph
Jas. H. Randolph
Canada Rouse
Jacob Robinson
Joseph Russ
M. C. & G. Stephens
Peter Simons
Thomas Simson
Elizabeth Tanner
Paul Ulmer

LIST OF STOCKHOLDERS—Continued.

Edw. B. Vass
 Jas. Watson
 Terry B. Watson, dec'd
 Jos. B. Watts
 Geo. W. Ward, dec'd
 Geo. T. Ward
 R. Y. Wellford
 Wm. Wyatt

John T. J. Wilson
 Sam. B. Wilson
 Adam Wyrick
 E. K. Wirt
 Jesse J. Williams
 Benj. F. Witner
 Collins Woodbury
 Andrew Young.

UNION BANK OF FLORIDA,
Tallahassee, January 23,

SIR: I now enclose a list of stockholders of the Union Bank of Florida holding twenty shares of stock and upward, out of which perfect directors for the ensuing year on the part of the Territory.

Very respectfully, &c.,

JOHN PARKHILL, &

His Excellency R. K. CALL,

Governor of the Territory of Flor.

List of stockholders of the Union Bank of Florida holding twenty and upward of stock.

Augustus Alston
 R. W. Alston
 R. C. Allen
 H. W. Braden
 T. A. Bradford
 S. J. Baker
 Wm. Bailey
 Sam. S. Bellamy
 Dan. Bird
 Thomas Brown
 A. M. Gatlin
 A. B. Blackwell
 J. R. Chapman
 T. P. Chaires
 Chas. H. Dupont
 J. D. Edwards
 John Carney
 J. A. Craig
 Jesse Coe
 L. Church
 A. F. Duval
 F. Eppes
 F. Fitzgerald

J. G. Gamble
 Rob. Gamble
 James Gadsden
 P. W. Gautier, sen.
 P. W. Gautier, jr.
 O. H. Gadsden
 H. Gee
 James Gibson
 Dennis Hankins
 John Havis
 Rich. Hayward
 James Hunter
 John Ingraham
 John W. Lea
 Thos. Livingston
 Jesse McCall
 Wm. Maner
 James B. Mays
 Banks Meacham
 J. C. McGehee
 Jos. McBride
 D. S. McBride
 John Miller

LIST OF STOCKHOLDERS—Continued.

J. L. McKennon
 Wm. S. Mooring
 Jas. McLemore, dec'd
 A. Murat
 M. Nicholson
 Mary W. Nuttall
 Orman & Young
 Sam. Parkhill
 John Parkhill
 Edward W. Peyton
 F. C. Priolean
 J. G. Pittman
 W. D. Price
 W. S. Pope
 J. H. Randolph
 Thos. Randall
 Canada Rouse
 Jacob Robinson
 Jos. Russ
 J. H. Seabrook
 Peter Simmons
 Paul Uliner
 E. B. Vass
 J. Watson & T. B. Watson
 J. B. Watts
 Geo. W. Ward
 Geo. T. Ward
 R. Y. Wellford
 Wm. Wyatt
 J. T. J. Wilson
 A. Wyrick
 E. K. Wirt
 B. F. Whitner
 H. T. Wyatt
 Andrew Young
 Minor Walker
 T. J. Linton
 J. R. Scott
 Edw. Bradford
 Wesley Adams
 Chas. Barrington
 J. W. Dabney
 Wm. Copeland
 Ebn. Folsom
 Isaiah Johnson
 Luke Lott
 P. H. Harley
 J. L. Hart
 Wm. W. Hart

Thos. Moore
 Donald McLean
 Wm. H. Mathers
 Levi J. G. Lesby
 W. B. McCall
 Edw. P. Grant
 Sam. R. Richardson
 Rich. Van Brunt
 A. R. Ransom
 Burton & Zeigler
 J. M. Gilchrist
 Isaac R. Harris
 Thos. White
 John Branch
 R. H. Bradford
 David Brown
 Thos. Baltzell
 Thos. King
 K. Bunbry
 E. Blackburn
 L. H. Branch
 Wm. T. Bostick
 Jas. L. Bond
 John Cooke
 Jas. B. Coffin & Co.
 Silas H. Courtney
 Chas. Cole
 Eph. Dawkins
 B. Croom
 Jas. W. Daniel
 Henry Doggett
 Jacob Elliott
 Ed. Footman
 James Green
 B. W. Ganz
 Geo. Graves
 G. W. Holland
 Thos. L. Hall
 Ed. Houston
 Ed. Hamilton
 Wm. Hall
 John Jenkins
 Dan. L. Kennan
 Henry L. Linton
 Rich. H. Long
 A. H. Lanier
 Luke G. Lamb
 K. M. Moore
 J. B. Taylor

LIST OF STOCKHOLDERS—Continued.

J. H. F. Larimore
 Jesse Lott
 Dan. T. Lingo
 Isaac L. Mills
 Jas. J. McMillin
 Reuben Manning
 D. H. Mays
 Rich. Mays
 E. J. Mays
 Dan. McRaney
 S. S. Overstreet
 John Patterson
 R. J. Roberts
 Gab. Raguin
 A. & E. Shepard
 John Smith
 A. Sadbury
 John Stewart
 J. L. Stewart
 Jacob Shoburn
 Rich. Smith
 D. D. Sturgis
 S. W. Snell
 S. Saunders
 A. B. Shehee
 J. H. Shehee
 F. A. Simpson
 Jas. F. Trotter
 John Taylor
 Dr. Simon Taylor
 Wm. Thompson
 John S. Taylor

R. W. Williams
 D. C. Wilson
 Perry G. Wall
 Geo. Wyche
 Chas. B. West
 Henry Wood
 W. P. Craig
 Wm. Treadwell
 Til. Purify
 B. & J. Manning
 D. H. Vinton
 N. W. Christman
 Corn. Beasly
 John W. Hall
 Rob. Larkin
 R. C. Adams
 Goodwin & Dickson
 John Judge
 Hall, Saunders, & Hall
 Wm. Glassaway
 Jeham Johnson
 Philip Blount
 H. W. Nesbit
 M. Hukins
 Jos. Moore
 Rob. Wilson
 Jesse Yoin
 Tandy R. Freeman
 Alex. Love
 John Smith of Gadsden
 John A. Cuthbert
 Freeman Fitzgerald.

No. 4.

EXECUTIVE OFFICE, *February 8, 1833.*

SIR: I have carefully examined the provisions of the bill "to incorporate the subscribers to the Union Bank of Florida."

Approving of its general principles, and admitting that its provisions and details are wisely framed, so as to guaranty the Territory against any possible loss arising from the responsibility assumed, while it protects the interests of the institution, and the security of its creditors; yet a sense of duty demands that the bill should be returned to your body, with objections to one of its provisions, which seems calculated to defeat the objects of the bill, and the intentions of the Legislative Council.

The provision of the bill objected to is that requiring the express sanction of Congress before it can become a law.

Heretofore I have uniformly rejected all bills submitted to me granting to companies banking privileges. Many reasons, from time to time, have

been urged by the Executive, against the several laws establishing such incorporations. My opposition sprung from a conviction that such corporations would tend to retard, rather than advance, the general prosperity; that the interests of a few individuals would be fostered, at the expense, and to the injury, of the public; that such institutions, with the charters heretofore proposed, would not, and could not, if they would, subserve the great planting interests of the Territory; and that the several acts of incorporation did not sufficiently secure our fellow-citizens against ultimate loss in the event of their being mismanaged, or failing to cash their notes on presentation.

I have looked forward to the period when the interests of our country would demand the establishment of a bank to meet the wants of the community. The time has arrived when the great planting interests of Florida call for such an institution. The bill which has received your deliberate sanction secures the Territory, the stockholders, and the creditors, from any probability of loss or injury. Banking institutions, chartered by the several States, have, in many instances, exploded, overwhelming their creditors with ruin, convulsing society, and destroying the happiness of thousands.

If the provisions of this bill be fully carried into execution; if the stockholders are true to their own interests; nay, unless they determine to ruin themselves, this institution will not only be secure, but must be as serviceable to the general interests of the country, as it will be profitable to the stockholders. Unless some great revolution in the affairs of this country, or in its Government, should take place, I cannot see what risk is encountered, or what injury can result either to the Territory, or the creditors of this institution. If any loss should occur it must fall on the stockholders; and as their lands and slaves will be pledged as ultimate security, nothing short of such a revolution can destroy the value of their lands, or a sweeping pestilence exterminate the slaves.

I object to the last section of the bill because it is not essential to its validity, and will, most probably, defeat the measure.

Under the organic laws the powers of this Legislature extend to "all rightful subjects of legislation." Within this limit its powers of legislation are complete, and uncontrolled in the initiatory enactment of a law; although, under the negative retained by Congress, it may declare such law null and void. This negative, however, neither interferes with the primary exertion of legislative action by the council, nor relieves it from its own responsibility in the exercise of its discretion.

The object of the provision in question was, no doubt, to fortify and strengthen the measure adopted, by superadding the express sanction of Congress; but why the necessity of the mortifying admission that the Legislative Council of Florida feels itself incompetent to exercise the powers conferred upon it by its charter, or reluctant to assume that responsibility which duty, and a just regard for the rights of the citizens of Florida impose. In passing the bill the council must have assumed that it came within the legitimate sphere of its power and rights, and was, in its opinion, required by the interests of those for whom we legislate. Why then in this, more than any other case, seek to add to it a sanction not required by the provisions of our charter. Why, to give effect to this law, require an express assent, when as to other laws they are deemed perfect and valid, until annulled by express negation of Congress. In the most important of all laws, those which affect the liberty or life of a

citizen, we are wont to rely upon our own discretion and responsibility. Is there, in the nature of the subject, anything which should cause us to look abroad for information and assistance to enlighten our judgments? On the contrary, it seems that this, above all other subjects, is one upon which the Legislative Council should feel prepared to act with confidence and independence.

Of all the charters granted by the Legislature, incorporating banks in this Territory, no instance has occurred where the express assent of Congress was required, before the charter could become a law. Every consideration involved in the discussion of the bill is of a domestic and local character, and to be decided by our own views of its policy and expediency. We must be supposed to be best acquainted with our own wants, and most competent to legislate for our local concerns. Can it be expected that Congress is to take up, and re-examine, and rediscuss, this bill, and for what purpose? To pass a law expressly declaring that we are, or are not, proper guardians of our own property, and that we are prohibited, or permitted, to pledge our own estates. It cannot be supposed that such an elevated body will consent to be a mere registry of our edicts or laws, or that such assent is to be yielded as a matter of course. If Congress must give their express consent to a law passed by us, it must fully examine, not only all the details of the bill, but ascertain the situation, wants, and resources, of the people of Florida. Is it probable that Congress will re-examine and rediscuss the principles of this bill, if they could spare the time? It is not possible for that wise and dignified body, with all its knowledge, to possess that intimate acquaintance with the circumstances, interests, wants, and relations, of our society, which will justify them in making this bill a *special* subject of *unusual legislation*.

Amid the numerous, diversified, and high, national concerns now pressing upon its attention, its session drawing fast to its termination, can it be believed that Congress will have time to make such an investigation? These are questions important to be answered, as the fate of the bill depends upon the decision of the council thereon. If the section objected to is retained, the law is inoperative, and is no better than a dead letter.

Believing that the objects proposed in the establishment of the Union Bank of Florida, are of the greatest importance to the general welfare of the good people of the Territory, and especially to the planting portion of our citizens, and that if once in successful operation, all other banking institutions among us would yield to it, I trust that the Legislature will not retain the 35th section of the bill. If it does not destroy it, it must inevitably postpone the advantages so obvious and desirable to an indefinite period.

I have returned the bill, therefore, in the hope that the amendment will be accepted; but it is due to candor to state that I shall give my approval to the bill as it now stands, rather than not have it on our statute-book; as it will then fairly come before the people, and when they shall have had time to examine its features, and understand its provisions, they may, hereafter, give such instructions to their Representatives as to them may seem most beneficial to the general interests of the Territory.

I am, respectfully, your obedient servant,

WILLIAM P. DUVAL.

The PRESIDENT of the Legislative Council.

Which was read, and, on motion, the act to which it refers was ordered to be reconsidered, and was laid on the table.

No. 5.

REPORT OF THE COMMITTEE ON BANKS.

HOUSE OF REPRESENTATIVES, TUESDAY, FEBRUARY 25, 1840.

Committee on Banks report the following, as the result of their investigation of the Union Bank of Florida :

act incorporating the Union Bank of Florida, passed 13th February, provided, the books should be opened for the subscriptions to the stock of the bank, under the superintendence of persons named in the Tallahassee, Pensacola, St. Augustine, Jacksonville, Marianna, and West. As prescribed, books were opened in Tallahassee, Pensacola, Marianna, but it does not appear that books were opened at the other specified. At Pensacola 10 individuals subscribed 400 shares, but no stock ; at Marianna 18 individuals subscribed 1,521 shares, and 1 of these 834 shares ; 9 others affixing no amount to their names, and no shares in the allotment.

books were opened at Tallahassee on the 10th April, 1833, under the superintendence of Ben Chaires, William Bailey, William Maner, John G. Gamble, and Wm. B. Nuttall, and were closed on the 22d January, 1835. During this period 11,485 shares were subscribed by 118 individuals, and an allotment of 9,177 shares was made, to 94 subscribers.

From 18 were allotted under 20 shares, making

an aggregate of						206 shares.
46	"	"	from 20 to 100	"	-	2,323 "
17	"	"	" 100 to 200	"	-	2,240 "
9	"	"	" 200 to 300	"	-	2,175 "
4	"	"	" over 300	"	-	2,233 "
<hr/>						<hr/>
94 share holders.						9,177 "

(See Doc. A.)

A first board of directors, appointed by the executive, agreeably to section of the act of incorporation, composed of John G. Gamble, Wm. B. Nuttall, G. H. Chaires, J. K. Campbell, Thomas Preston, jr., Isham Beaufort, L. A. Thompson, C. H. Dupont, J. McBride, J. L. Doggett, and Robinson, received and admitted the bonds and mortgages of those to whose shares had been allotted. (See Doc. B.)

On the 16th April, 1834, the bank had received from Governor Wm. P. Hall, 360 bonds of the Territory of Florida, of \$1,000 each, dated the 1st day, which bonds remained in possession of the bank until September 1835, when the President of the bank, John G. Gamble, Esq., proceeding to New York, made a joint contract with Messrs. Prime, Ward, & King, J. & Co., and J. L. & S. Joseph, of New York, and Thomas Biddle of Philadelphia, for 500 bonds of the Territory of Florida, with the privilege of taking 500 more, when the bank procured them. The delivery commenced on the first November then ensuing ; and the payment to be made in monthly instalments of \$100,000 each. The interest on the bonds was graduated by the period when the instalments became due. These bonds were generally anticipated by consent of parties, and the bank received a premium of one per cent. on the exchange drawn against them.

To complete this contract, Governor Eaton, on the 10th February, 1835, furnished the bank with 640 bonds of \$1,000 each, dated on the 31st January preceding.

The first issue (1,000 bonds) is all payable, with the half-yearly interest, at the Phenix Bank, New York, where they come to maturity, in the following order :—

A. 250 bonds, on 1st January, 1858.

B. 250 bonds, on 1st January, 1860.

C. 250 bonds, on 1st January, 1862.

D. 250 bonds, on 1st January, 1864.

(See Doc. C.)

The bank having obtained a capital of \$1,000,000 by this negotiation of bonds, and drafts drawn thereon, commenced its banking business in the discounting of notes, and issue of bank bills as a medium of currency, on the 16th January, 1835, and continuing its operations, made reports to the legislature in January, in the years 1836, 1837, and 1838, respectively. (See Doc. D.)

A slight reference to these reports, shows that extravagance, overtrading, and embarrassment, were co equal with the establishment of the bank ; and we find it in 1837, forced to seek relief, by issuing the obligations of the bank, endorsed by the directors, for half a million of dollars, payable at dates from three months to two years. Of this \$300,000 was payable in New York and Philadelphia, and \$200,000 in London ; and the whole was punctually paid.

The liabilities and assets of the bank during each of the years before mentioned, appear as follows, upon the statements furnished to the legislature ; but the vague form in which this description of documents is almost invariably prepared for the public eye, gives but little insight into the real condition of a bank.

				Liabilities.					Assets.
January, 1836,	-	-		1,675,705	03	-			1,728,605
January, 1837,	-	-		1,571,138	76	-			1,669,042
January, 1838,	-	-		1,800,726	30	-			1,896,406

The 31st section of the act incorporating the bank, provides, that at any time after the bank shall have been in operation one year, the remaining \$2,000,000, contemplated by the charter, may be subscribed and taken up by subscriptions, in books opened at the banking house in Tallahassee, under the direction of the board of directors, or a committee thereof. Accordingly, books for the subscription of new shares were opened, as provided, on the 18th October, 1837, and remained open until the 10th February, 1838 ; when 404 individuals had subscribed their names for shares, in various amounts, to the number of near 80,000, or \$8,000,000. Of these, 88 were old shareholders, holding, 8,897 shares, and to them was allotted, by the directors, 17,156 new shares—making them the owners of 26,053 shares of old and new : to 152 subscribers, holding none of the original shares, there was allotted (to no one over 20 shares) 2,656 shares—making the shares allotted, at this time, 19,812. No shares were given to 164 of the persons who subscribed on this occasion. Some, the committee are informed, neglected to produce their titles, or evidences of property ; and others, disappointed in not obtaining the number of shares they required, declined taking any. (See Doc. E.)

Agreeably to the 13th section of the charter, which provides for this additional subscription of shares, Gov. Call executed, on the 1st January, 1838, 2,000 bonds, of \$1,000 each, in the form prescribed by law, payable :

A. 500 bonds, on 1st January, 1862.

B. 500 bonds, on 1st January, 1864.

C. 500 bonds, on 1st January, 1866.

D. 500 bonds, on 1st January, 1868.

which bonds were delivered to the bank on the 8th of March, in the same year. (See Doc. C.)

In the month of June following, Col. Gamble set out for New York ; and in the month of August, sailed for Europe, as the authorized agent for the sale of this second issue of bonds, with instructions to sell at the best price attainable, which would produce not less than *par* in *Tallahassee*. The agent, the committee is informed, " visited New York, London, Amsterdam, Bremen, and Hamburg ; and disposed of 1,280 bonds, on terms which produced, in *Tallahassee*, \$1,374,901 20, which is \$94,901 20 more than *par* value of the bonds" or a premium of 7.41 per cent., computed in the depreciated paper of the Union Bank, which is here made the standard of calculation. 16 bonds have been sold in London, since the return of Col. Gamble. (See Doc. C.)

Of the foregoing—200 bonds were sold to the American Life Insurance & Trust Company of New York, on the 12th July, 1838, and were, by endorsement, made payable, with the interest, at the office of that institution; 100 were sold on the 24th September, 1838, to Messrs. Hope & Co., of Amsterdam, and made payable, with the interest, at their office ; 950 were sold on the 21st February, 1839, to Messrs. Palmers, McKillop, Dent, & Co., of London, and made payable, with the interest, at their office, and 46 also payable with the interest, at Palmers, McKillop, Dent, & Co.'s, were sold to various parties, between the 21st February and 13th September, 1839. (See Doc. C. and F.)

The 704 bonds remaining unsold, payable likewise, with the interest, at Palmers, McKillop, Dent, & Co.'s, were left with that house, to sell on commission (as stated in the contract appended to this report) ; and furthermore, hypothecated to secure the payment of four obligations of the Union Bank, payable in London, as described hereinafter. (See Doc. F. and G.)

By the report made by the President of the Bank—

30 of these bonds were sold at - - - - - *par* ;

100 of these bonds were sold at a " nominal discount" of 3 per cent. ;

201 of these bonds were sold at a " nominal discount" of 8 per cent. ;

950 of these bonds were sold at a " nominal discount" of 9 per cent. ;

15 of these bonds were sold at a " nominal discount" of 10 per cent. ;

(See Doc. C.)

In the contract with Palmers, McKillop, Dent, & Co., for the sale of 950 bonds, it will be observed, that while the interest upon the bonds commenced from 1st January, 1839, the payments, on the part of Palmers, McKillop, Dent, & Co., were to be made—

30 per cent. on the 1st March,

20 per cent. on the 15th March,

20 per cent. on the 15th April,

30 per cent. on the 15th May ;

whereby, there is a sacrifice of interest, of \$14,960, equal to a further discount of $1\frac{1}{2}$ per cent. on the amount sold—which, therefore, reduces this

sale to $10\frac{1}{2}$ per cent. discount, or \$89 $\frac{1}{2}$ for every \$100 of the bonds of Territory. (See Doc. F.)

These 704 unsold bonds were originally left, with instructions [*see tract*] not to sell for less than 95 per cent., which, deducting the commission, would be 93 per cent.; but that limit being removed [*see Com. Gamble's letter, of 12th February*] by subsequent instructions, it is impossible for your committee to say, whether this amount has been disposed at a greater sacrifice, or not disposed of at all. (See Doc. D.)

No interest could have accrued upon the bonds made payable in Europe (except a trifle on the 100 bonds sold in Amsterdam), until the 1st July for that payment funds were provided in Europe; and for the amount there in January last, the funds were remitted in *specie*. The interest on bonds payable in New York, has always been paid in *specie*, or equivalent, to the satisfaction of the parties.

Though it were desirable that the immense capital, for raising the amount of which, the territorial legislature *assumed* the power of pledging the property of the whole people, had been more generally diffused, the committee find no cause to censure the first directors of the Union Bank, for distributing the shares among a limited number of individuals. The books, it is said, were open for a time much longer than that prescribed by law, and access was given to them; but the prospect was *new*. A dread of the consequences which might result from embarrassing property with a long mortgage overbalanced the advantages to be anticipated from a speedy cash loan; many were doubtful, whether securities of such a questionable character as bonds of a territory, payable at a long period of years, would command a high price in the money-market.

Nor was there, so far as the circumstances have been ascertained by the committee, any thing irregular in the sale of the first issue of bonds. The sale was made on credit; but credit appears to be the sole animating principle of these *paper* transactions.

But the committee sees nothing to approve, in the wild, rash, and wary spirit which appears to have seized upon the minds of both directors and shareholders of the institution, when it was discovered that territorial bonds, so cheaply procured *would sell* abroad; and one million of dollars with the circulation based upon it, was brought to this community, divided among such a limited number of individuals. Unwise and imprudent management commenced with the first possession of funds.

The charter intended that two thirds of the money borrowed by the sale of bonds, should be loaned on long mortgages to the subscribers, who had taken up the shares, and given their property as security or pledge for the payment of the bonds when due; and that the remaining third, which was the first sale of bonds, amounted to \$333,333 33, should remain in the hands of the directors to perform the commonly received legitimate business of banking—such as discounting promissory notes having a short time to run, buying and selling bills of exchange, furnishing a paper medium of circulating currency, and affording such other facilities in money transactions, as of late years have been considered essential in trading communities. The sum borrowed, \$1,000,000, properly distributed, and prudently managed, was at the time quite sufficient to have relieved the planting interest from pressing embarrassments, and to have performed all the purposes that could have been reasonably required by the merchants. Overgrown banks, with unwieldy capitals—more especially borrowed capitals—are devices of late years.

a very recent period, \$500,000 was considered a large capital for any bank, out of the principal cities. Whether a bank be large or small, favoritism, it is found, usually divides its accommodation among about the same number of customers; and therefore to increase competition, and make the class of favorites more extensive, Legislatures have deemed it politic rather to charter rival banks, than place all the banking capital of a district under the control of a single board of directors.

Regardless of these considerations, and all principles of prudence and sound policy, the Union bank, with an apparently singular impatience, not only distributed all its borrowed capital among shareholders and others, upon terms which precluded the possibility of its being repaid within any reasonable time, but it also extended these imprudent loans, upon the capital based on circulation and floating deposits. Thus we see on the 2d January, 1836, the liabilities of the bank were \$1,675,705, and her presumed resources \$1,728,605. Of these resources only \$110,179 is cash funds, or immediately available; while she was in a position to be asked on demand for \$675,704, of immediate liabilities; and subsequent experience has proved, small reliance in any emergency could be placed upon her discounted paper, to produce funds requisite for meeting her own engagements.

Such was the position of the bank; nor were the shareholders sufficiently enriched by these profuse loans; and others beholding the sudden efficacy of bank shares in creating wealth, were like them, anxious for the subscription books to be again opened. The idea of a bank founded on borrowed capital, had before been ill understood—now it was perfectly comprehensible. To become suddenly rich—to become off hand the proprietor of lands, negroes, houses, and equipages, simply by pledging property on a loan with thirty years' credit, which property could be bought with money thus obtained, was to enjoy in reality the vision of fiction. The charter of the bank was an *Eldorado*; it authorized a further issue of 2,000 bonds. The first 1,000 had been readily, spontaneously, *unexpectedly*, converted into "money;" could there be any doubts respecting the sale of the latter! of course not—the possibility does not appear to have been entertained.

The books of subscription for property to secure these shares, were opened as before stated on the 18th October, 1837, and in the final allotment, 88 old shareholders become the proprietors of 26,053 shares in the bank; while 152 new subscribers were allowed but 2,656 shares, and 164 others none whatever.

The committee might admit that this unequal distribution was authorized by the 31st section of the charter, and that greater self denial was not to be expected from a body of corporators invested with a privilege of such enormous value; but they learn that the directors by advertisements in the newspapers, announced that the books of subscription were open to the public, and they learn that many of the parties who subscribed, and were afterward denied shares, acting upon the faith of these advertisements, put themselves to considerable expense in causing their property to be appraised, and much trouble. If the directors intended from the beginning to divide all the new shares among the old shareholders, this general invitation was trifling with the public. If the decision was subsequently made after it was discovered by the eagerness in subscribing for shares, that great advantages were expected from the possession of them, the decision was unjust. Nor do the directors appear exempted from the charge of favoritism and partiality in this distribution so often made against them. Certain parties by the pur-

chase of a few of the original shares, were allowed a very liberal number of the new; and instead of being kept open only 60 days, and during which time more than 20,000 shares were subscribed, the books were continued open for nearly 4 months. Whether this delay was or was not intended to allow the old shareholders time to procure property to secure their shares, the committee has deemed it unnecessary to investigate.

Whatever may have been the adherence of the directors to the strict letter of the charter in the single matter of distributing the shares, the committee finds in another proceeding of the board at this period, a total disregard both the letter and the spirit.

In February, 1838, the directors, acting upon the report of a committee appointed to consider the subject, decided upon advancing the appraisal on property already mortgaged to the bank for old shares, *thirty-three and a third per cent.*; and upon another report, resolved, that, inasmuch as profits made, *and to be made*, before the new stock could be available, would be \$160,000, that the old shareholders should be allowed *one share* in the new distribution, for every *eight shares* previously held. By this decision the owners of the original 10,000 shares became entitled to 4,583, or *one quarter* of the new shares, upon which they could draw \$305,500, or nearly 46 per cent. upon their previous loans, without furnishing them with one cent of additional security. (See documents H. and E.)

The abovementioned reports will be found in the appendix. It might have been a shadow of reason in that upon *appraisement* there had been an intention of dividing the new shares between new and old subscribers; but if it was determined to divide all among the old, the argument falls to the ground. The 6th section of the act declares, that *persons* appointed by the Governor, shall certify under oath, to the value of the property, and the directors may reject this appraisement afterward if they deem it too high; but the act in no wise permits the mortgagers of the property to appraise their own property, or *raise* the appraisement made by others. Were the principle admitted, it is difficult to foresee to what point it might be carried, should visionary speculation, or the abundance of depreciated paper-money, at any time hereafter, raise the price of land to an unreasonable rate.

Taking the condition of its loans into consideration, the exact profit of the bank at any named period is somewhat questionable; but whether it possessed a surplus profit in reality or not, there could be no legal division of it among the stockholders; because the 23d section expressly provides that the profits shall be retained until the accumulated surplus shall equal the amount of the bonds issued for procuring the capital.

Upon the completion of the second subscription, the bank obtained from Governor Call, on the 8th March, as before stated, 2,000 bonds.

It is necessary here to state, that, by the 13th section of the charter, the Governor is authorized to "execute to the said bank, from *time to time* bonds *proportioned* to the sums subscribed, and *secured* to the satisfaction of the directors,"—whereas, in this instance, 2,000 bonds were delivered *at one time*, before any (or if any, a very trifling) amount of subscriptions were *secured*; and many of the bonds were actually sold before the mortgages were completed, as will be seen by a reference to the mortgage of 1838, which were given in security for the new shares.

Referring to the terms on which these bonds were sold, or hypothecated, the committee have adopted the statement made to them by Colonel Ga-

in his own language ; but they must add, that the only *par* that can be known, in computing the value of State securities, is the constitutional currency of the Union, when payable in the United States, or the legal currency of England, when made payable in London. Thus reads the 34th section of the charter :

"That the said bonds, to be executed and furnished by the said Governor, in the name of this territory, as in the tenth section of this act is provided, shall, in no instance, be sold, or negotiated at a discount, or for a less sum than the amount named and expressed in said bonds, for the purpose of raising the capital of said bank ; but in every such case, each and every bond, sold for a less sum than the amount named and expressed therein, shall thereby become for ever absolutely NULL AND VOID."

No language can be more plain—there is no room here for misconstruction. The Legislature, foreseeing the possibility, that needy corporations, involving themselves in difficulties, might, under the pressure, dispose of bonds, as a last resource, at a great sacrifice, prudently barred the possibility, by declaring that every bond, sold at a discount, should be null and void. The 200 bonds disposed of in New York, appear to have been sold at \$920 each, or 8 per cent. discount, and those in England at 10½ per cent. discount ; for, though Colonel Gamble estimates the sale, by his contract, at 9 per cent., it must be remembered, that the purchasers, by the condition of payment, gained \$14,960 of interest, which makes the further reduction of 1½ per cent. The bonds sold in New York, it must be remembered, are not payable in Tallahassee, in the *par* of Tallahassee, but at New York, where \$1,000 silver, or an equal amount in gold, must be given for the redemption of each one of them ; those sold in London, are made payable in the *par* of London—what was sold for 89½ must be paid for with 100—every one of the 950 sold at \$895, must be paid for, with the whole amount in British currency—not in the *par* of Tallahassee.

What is the *par* of Tallahassee, thus brought in to shield the bonds from the positive injunction of the charter ? It is the bills of the Union Bank, which the bank ceased to pay specie, in May, 1837, when she published the statement, dated 10th May, 1837, showing only *seventy-six dollars* of available means, against \$520,476 in circulation and deposits. (See Doc. D.)

Every sound bank in the Union resumed specie payments in 1838 ; nor did suspension again occur till late in the year 1839. It was during this period of general specie payments, that the 1,296 bonds were sold. If, therefore, the sale produced what appears a trifling premium in Tallahassee, it is only because the currency was more depreciated in Tallahassee than in any other part of the Union ; and it is only because the Union Bank had still a large amount of bonds for sale, or selling in a foreign market, that the depreciation did not go much lower. If, therefore, it is admitted that a bank trusted with the sale of public securities at a price limited by law, can throw aside a calculation based upon constitutional currency, and adopt as the basis, a paper currency depreciated 20 per cent. by its own mismanagement, it might, by an extravagant expansion, such as we have seen in Mississippi, depreciate its paper to 80 per cent. discount, and after selling bonds of \$1,000 for only \$200, insist that they had been sold at *par*—the *par* of its own counter.

In insisting that the bonds sold in Europe, whatever may have been their previous character, were rendered null and void by the terms of the sale, the committee insinuate nothing of which the purchasers were not before aware.

A house, extensively engaged as the firm of Palmers, McKillop, Dent, & Co., appear to be in the negotiation of American securities, must have understood the constitutional difference between a Territorial bond and the obligation of a State sovereignty; nor is it to be supposed they would have entered upon so large a purchase as \$950,000 of Florida Bank stock, without duly considering the conditions upon which it was issued. They must have seen by the 11th section of the act incorporating the Union Bank, that the *principal* and interest were to be paid when due by the *bank*, and not by the *territory*—and they must have seen by the 34th section quoted above, that a sale at a discount absolved the Territorial Government from all liability—yet they completed the purchase at the rate before stated.

Colonel Gamble was on the ground, to explain all; but more especially the securities which the bank itself held from the shareholders, that would render all resort to the pledge of the faith of the Territory unnecessary; and furthermore, it is evident that the house of Palmers, McKillop, Dent, & Co., purchased these bonds at such a “bargain” as would, by the ordinary rules of commerce, afford some premium for a “*risk*.”

The price of Ohio six per cent. stock, payable in dollars in 1856, was, on the 18th May last, 97 to 98 in London; and probably was not so low in the month of February. This quotation of a stock, the nearest resembling Florida bonds, is still about eight per cent. above the price paid by Palmers, McKillop, Dent, & Co., and known European securities, bearing only half the same rate of interest, were selling at the same time, at a price fully as high; from all which it is evident, that the European purchaser, instead of being a quiet, easy man, duped into an unfortunate purchase, by a reliance on the honor and faith of Florida, made his *calculations* before *he parted with his funds*. Should speculators abroad hereafter complain of having suffered loss by their transactions in these bonds, it must not be forgotten, that it was themselves, who, for purposes of their own, induced sales at a rate which they were aware, destroyed any guarantee of public credit, implied by the law.

The nature of the debt due to the United States Bank of Pennsylvania, for the payment of which 704 bonds are hypothecated, to which allusion was before made, is of the following nature: To meet engagements due at the north, Colonel Gamble, on the 10th of June last, negotiated with that bank for its post notes, payable six months after date, to the amount of \$533,333, which post-notes were disposed of in New York. A small part of these have been protested—the remainder paid—the necessities of the holders compelling them apparently to take depreciated paper in Philadelphia. In exchange for these post-notes, Colonel Gamble gave the United States Bank obligations of the Union Bank, payable at the house of Palmers, McKillop, Dent, & Co., in London, for £120,000 sterling, payable in four instalments, on the 1st November, 1st December, 1st January, and 1st February. Messrs. Palmers, McKillop, Dent, & Co., not having been in funds to meet these payments, they have been postponed by an arrangement with Mr. Jaudon. The exchange due to the Union Bank is to be settled hereafter. (See Doc. F.)

The omission of this *trifling* amount of indebtedness, in the statement made by the Union Bank to the Legislature, on the 1st January, is only an evidence of the small value of the reports of their own standing, that banks usually publish to the world.

The present list of shareholders of the bank, is, by the return herewith published, 285.

1 in	Escambia county,	owns	20 shares;
14	Walton do.	do.	178 "
4	Calhoun do.	do.	436 "
28	Jackson do.	do.	1,817 "
60	Gadsden do.	do.	4,231 "
106	Leon do.	do.	13,727 "
48	Jefferson do.	do.	6,340 "
19	Madison do.	do.	2,031 "
4	Hamilton do.	do.	143 "
1	Columbia do.	do.	20 "

Of these

				<i>Acres of land.</i>	<i>Slaves.</i>
73, owing under 20 shares each,					
are holders of 778 shares, secured by				12,865	40
81, owning 20 each, own	1,620	"	"	27,620	56
58, from 20 to 100, "	2,913	"	"	40,105	201
34, " 100 to 200, "	4,669	"	"	41,175	405
15, " 200 to 300, "	3,573	"	"	31,148	413
9, " 300 to 400, "	3,100	"	"	23,327	312
4, " 400 to 500, "	1,902	"	"	16,539	142
3, " 500 to 600, "	1,575	"	"	8,923	176
3, " 600 to 700, "	1,891	"	"	9,929	260
1, " 700 to 800, "	758	"	"	4,258	80
1, " 800 to 1,000, "	914	"	"	5,227	84
3, over 1,000, "	4,990	"	"	25,303	513

[See Document K.]

The condition of the bank, on the 1st January last, by its own return (and adding the debt due to the United States Bank), is as follows :

Resources.

Stock notes discounted,	\$1,818,540 21	
" " in suit,	12,102 00	\$1,830,642 21
Notes and bonds discounted,	1,253,058 16	
" " in suit	164,679 69	1,417,737 85
Bills of exchange maturing,	62,068 08	
" " returned, protested,	151,747 27	
" " in suit, New Orleans,	21,778 57	254,593 92
Territorial bonds unsold,	704,000 00	
" " issued last year,	50,000 00	754,000 00
Amount due by banks and agents,		27,127 87
Agency at St. Joseph,		84,994 06
Real estate,		84,365 31
Specie,	36,728 52	
Notes of other banks,	1,765 00	38,493 52
		<hr/>
		4,472,954 74
		<hr/>

Liabilities.

Due Bank of United States,	\$533,333 33
" banks and agents,	108,041 03
" sales of cotton,	29,135 81
" depositors,	216,610 86

Bills in circulation,	\$369,265 00	
Bonds disposed of abroad, to raise the capital stock, }	3,000,000 00	
65 shares cash stock,	6,500 00	
	<hr/>	\$4,262,886 03
	Surplus,	<hr/> 210,068 71 <hr/>
The immediate liabilities of the bank appear to be		\$693,916 89
To meet which, her immediate assets are only		65,621 39
		<hr/>
Deficiency of immediate assets,		628,295 50 <hr/>

Such is the deplorable condition of the Union Bank by its own figures, and the committee having been denied access to private accounts, only add in explanation, that of the enormous amount under the head of stock-notes discounted, notes and bonds discounted, and bills of exchange, \$2,356,929 63 is loaned to the 285 shareholders; of \$1,841,976 36 is loaned upon their mortgages, payable in 1858, 1862, 1864, 1866, and 1868, and \$514,953 27 upon other securities. The balance under this head, amounting to \$1,127,044 35, the committee knows not when it was loaned, how loaned, where loaned, or to whom loaned; how payable, where payable, or when payable; but judging from other transactions, it is quite possible that the names of shareholders may be holden as a security for a part, and that in the wholesale and retail manner in which other transactions have been conducted, the directors might be found something like the distribution of the shares, most of them being divided among a selected few, who, whatever may be the future turn of their affairs, are not now in condition to make payments of large amounts.

The amount of these loans to individuals is \$3,483,973 98, of which \$1,841,976 36 is upon land and slaves; \$1,641,997 62 on other securities. A reference to the list of present shareholders will show that the holders of a limited number of shares have furnished abundant security for the money advanced them; but in regard to the larger shareholders, an inquiry into the real value of the land is necessary to a decision. The directors appear to have used precautions in the examination of the securities, but in so long a list of mortgages, it is reasonable to suppose that some may be defective.

As to the slaves, which form so considerable a part of the securities of the large stockholders, the security upon them must depend rather upon the honor of their owners, than upon written mortgages; for they are simply enumerated, as "Tom," or "Dick," "Sally," or "Mary," with no further description, unless occasionally the age. There may be persons, twenty years hence, to swear that many of these were the identical "Toms" and "Marys" that were mortgaged to the bank on a given day, or that certain children were the increase of these "Marys;" but the witnesses might not be always found; and, besides, there would be great difficulty, were the parties so disposed, to remove the whole 2,682 slaves beyond the jurisdiction of the Territory in one night.

The committee would also remark, in regard to the securities held by the bank, that by an operation not precisely clear, the bank has purchased of a judge of the superior court some hundreds of shares at 25 per

1; which implies that a large sum before held as an advance on a note, is now held on a loan for years. A few other cases have also the knowledge of the committee, where persons obtained very advances, in anticipation of becoming shareholders; but being shut from the distribution, were allowed to retain the money as a loan for ten years.

Allegations of certain directors have been protested, and sued, which may be considered a disqualification for office; but the committee learn *imported* "quibble" upon the word "fail," in the letter (Doc. 21), February, that "fail" as a *common law-term*, does not apply to a default at the Union Bank, under the 19th section, if he is a planter, as a director.

It has been said of the increase of capital which was to accrue by compounding the difference paid by shareholders and customers of the bank, and that paid by the bank on its bonds abroad. This accumulation was said, would, within the period of the charter, pay off the

The bank has now been in operation five years, and the surplus resources over liabilities, supposing the resources all good, is only \$200,000. Perhaps there is no bank in the Union that could wind up the account of five years standing, amounting to three and a half millions of dollars, without a loss of more than this \$200,000; and it may be presumed that the assets of the Union Bank are unusually small. In the first place there may be defects in mortgages. The slave is *locomotive*. There is a probability that a part of the loans cautiously made in large amounts, on long time, to persons not generally considered rich; and there is a certainty that \$328,528 is now in suit. The real estate at St. Joseph and Jackson counties, \$59,223 57, is 900 acres of land, and some town lots and build- ings must at present be of small value. A consideration of these facts makes it evident to the committee, that unless the bank can show a profit, or sinking fund, her borrowed capital is already diminished by bad debts, and stands in further jeopardy from those which are

The further reduction of the capital, by selling 200 bonds in New York, at \$920 each, and about 1,100 in Europe, at \$895, must also be added into the account.

Now stands the prospect for the future? What her means of recovering these losses? Her resources are \$1,841,976, loaned on mortgage between 1858 and 1868; \$1,641,997 loaned, we know not when payable, of which \$328,528 is in disgrace; and a small amount of real estate, and other items, that are not balanced like the usual resources, by an "equal liability." Supposing this amount of securing a profit could be supported by the bank, and the interest of one and a half millions was regularly paid, the amount of the interest at 3 per cent. being \$280,000, which would be paid in the *par* of the bank—Union Bank bills—which has been the payment during the last year, except in some cases where the shareholders have been acted upon with discounts, to enable them to pay up. The interest on bonds, payable in New York, amounts annually to \$72,000; the interest on 1,800, payable in Europe, is to be paid in foreign money, estimated at one dollar at four shillings and sixpence sterling, which, if the committee understand Col. Gamble correctly, is £13 10s. sterling for the

annual interest of each bond, or £24,300 sterling for the whole 1, This amount of sterling money would cost, in New York, at the rate of 8 per cent. premium, \$116,640. Thus the bank must raise annually, and send out of the country, what is equal to \$188,640 in New York, which, in the present par of Tallahassee (the committee cannot answer for what it *will be*), would require about \$230,000, which, by the "rule of simple subtraction," leaving aside bonds, notes, and bills of exchange, or names of promissors, endorsers, acceptors, &c, would leave only \$50,000 for commissions to agents in New York and London, bad debts, expenses, casualties, surplus profits, and sinking fund.

It must be noted that the bank never paid interest in Europe until the year; and that in all her exigencies she has had a resource in her old bonds, which were pledged from time to time, for short loans of specie and currency. This resource no longer exists—the bonds are exhausted; in what manner the bank can draw annually from her stockholders in Middle Florida, what will produce *abroad*, nearly \$200,000, the committee is at a loss to determine.

Such is the condition of the Union Bank. By selling bonds at a discount her capital is diminished; and yet she is bound to pay interest on the full amount. Expensive modes of raising funds have prevented the presumed profits of the bank from increasing; improvident loans have placed the resources of the bank beyond her control; and the interest on some of these loans must soon cease to be paid. Her immediate liabilities are very *large*, her immediate resources very *small*. Nor does it appear to be progressing toward a better condition: between the 1st of January and this time her small supply of specie has *diminished* \$36,000 to \$13,000; and her circulation has *increased* from \$369,200 to \$548,051; or \$178,786 in six weeks.

A reply to how far the bank has fulfilled the purposes for which it was created, is not easily made. It was intended to be a general concern for the whole Territory. We find its operations confined to a small city. It was intended to be a public institution: we find it made nearly a private one. One-fifteenth of the shares are held by one man, one-sixth by three men, one-third by eleven men, one-half by twenty-five men, and five-sixths, or nearly the whole, by eighty men; who, in addition to the loans upon their mortgages, are supposed to be otherwise indebted to the institution. It was created to furnish a better circulating medium than the bank bills of the neighboring States: the circulating medium it furnishes is among the *worst* in the Union.

The money procured by the sale of bonds, instead of encouraging useful industry, has only increased the class of idlers, who are taught by example, that it is more easy to *borrow* than to *earn*; and more honorable to go into debt for useless luxuries than to *do without them*. It has neither improved our morals nor our habits; neither increased the firmness of our patriotism, nor added vigor to our nerves. On the contrary it has introduced the pomps and vanities of older and more vicious communities among a simple agricultural people, and fostered that taste for furniture, equipages, and finery, which has involved us in a heavy debt. We are paltry gew-gaws and cumbersome trappings, from which we can be relieved alone by industry, forethought, and more rigid economy.

It will be understood that it was necessary, to enable the committee to respond to the inquiries of the Senate of the United States, and u

the authority of the resolution of that body, and the direction of this House, they have sought to obtain from the bank information as to the character of the debts due the bank, beside those of the *stock notes* from the stockholders, and that they have been *denied all information on the subject by the bank!* Such a course on the part of the bank was not to be anticipated by the committee. Such have been the suspicions, and reports, rife throughout the country for many months, which have been made the subject of continued newspaper comment, and resolutions of public meetings of citizens, of “defalcations,” “over-drafts,” “illicit loans,” “kites,” “partiality,” and “favoritism,” in managing the affairs of this bank, and as to some of which no denials have been made, and which it has been alleged caused a recent change in one of its principal officers, that your committee hoped the bank would have eagerly seized so favorable an occasion to disprove those accusations, if untrue, and put them for ever at rest. It was not sought, or intended to ascertain for disclosure, the private accounts of *customers*, to the injury of individuals; so the bank was apprized; but to ascertain how far the bank had answered the purposes for which it was created, which was one of the express objects of inquiry pointed out by the Senate of the United States. This could not be done without a knowledge of the amount and character of her debts and assets. How can the solvency of a bank ever be known when we are ignorant whether the debts said to be due to it are or are not worthless; when it is not known what rules govern, or may govern, in making loans?

Such information was important in this case for other reasons. If it be a fact that the stockholders in this bank, by reciprocal endorsements for each other, have drawn largely from the bank, over and above the quota allowed them by the charter—if the aggregate of their liabilities for the endorsement for others have been extended to an unreasonable limit, the necessity of a corrective to ensure an adherence to the charter, must be apparent to all. The interests of the stockholders as well as that of the public requires it. It was the intention of the charter, that the loans to stockholders should not exceed the limit allowed on stock. If permitted to pay their interest when it falls due, or procure other loans by endorsements for each other, they might soon absorb the whole capital of the bank, without giving any other security, in most cases, than the property already mortgaged.

It is as much on account of the bank, that the committee regrets it has pursued such a course, as any other. Is not the public justified, in fearing that an institution which conceals such information from the representatives of the people, dreads the effect of an impartial investigation? The pretext urged to shield the bank, the committee is constrained to say, in this case, is entitled to little consideration. It is founded on a rigid construction of the words of the law, not in its true spirit, intent, and meaning. The committee are satisfied that such conduct, without the sanction, so far as they are informed, of but one precedent in this country, that of the United States bank, which was condemned by universal public opinion, will be well understood and appreciated; and whatever of contumacy, either to the Senate of the United States, to this House, or to the people of Florida, is to be seen in it, will not be suffered to pass unheeded or unrebuked.

They would also observe, that it ill becomes an institution which has disregarded the most essential provisions of its charter, in the observance of which the public are vitally concerned, which continues to violate that law, and avows its inability, for an indefinite period, to conform to it, and above all, which owes its existence to the *charitable* feelings of the Legislative Council of the Territory of Florida, and the capital of which, it is urged by its friends, was raised upon the credit of the people, to thrust forward the provision cited, to shield it from such examination, and as the excuse to defy all scrutiny, but that which must be useless to detect fraud.

The instruction of this House, by express resolution, to obtain from the bank a copy of the report of the directors, and a report of the investigating committee of the stockholders, at the last annual meeting, was communicated to the bank, and the application also refused, as is explained in the letters.

The committee would repeat, on this occasion, that if a Territorial act of incorporation possesses any legal validity, or whatever may have been the presumed validity of the charter of the Union Bank, after the various manifold infringements, particularly mentioned in this report: 1st. The sale of bonds at a price forbidden by law: 2d. The appraisement of property by the mortgagers themselves: 3d. The illegal division of the supposed profits, a proportion of which was the *bonus* offered to the Territory as an inducement for granting the charter, all of which, the committee deem illegal, they regard the tenacity with which these documents also have been withheld from the investigation intrusted to your committee, under the pretext that they are private papers, exempt from the examination of the Legislative Council, by the proviso in the 18th section of the charter, which declares, "that the individual accounts of the *customers* of the bank, shall not be subject to such examination," as a determination, the principles to justify which, are of modern discovery. The committee are not prepared to admit that the directors and stockholders stand in the relation of customers to the bank. Can a merchant be regarded as a customer to himself? As to the intention of the Legislature, in enacting the 18th section, the committee cannot suppose, that in exempting the private accounts of the "customers" of the bank from public scrutiny, it intended so great an insult to the community as to prohibit an examination of the transactions of the stockholders, to whom two-thirds of the capital is loaned by law, and an additional amount by accommodation, or of the directors or other officers of the bank; for how can any committee know "its true condition, and be enabled to make a true report thereof to the Legislature," without such examination?

The committee cannot but regret, that the bank, in thus shielding itself behind the 18th section, has refused information which would enable them to judge of its actual condition; for, though the "rule of simple subtraction" may show the difference between liabilities and assets, it by no means establishes the *value* of these assets. In arriving at their facts and conclusions, the committee have depended mostly upon replies of the president of the bank. All that passed in writing, is appended to this report. If it contains any mistakes, this explains the source of information.

In concluding this report, the committee take occasion to remark, that the evils and mismanagement exposed by the investigation, may be rather attributed to the inherent viciousness of the system out of which they

have grown, than to any moral delinquency, or intentional error, in the conductors of the bank.

All of which is respectfully submitted.

E. E. BLACKBURN, *Chairman.*

COMMITTEE ROOM, TALLAHASSEE, *February 25, 1840.*

A.

At a meeting of the commissioners appointed to receive subscriptions to the capital stock of the Union Bank of Florida, on the 10th day of April, 1833, at the banking-house of the Central Bank of Florida, in the city of Tallahassee—present: Ben. Chaires, William Bailey, William Maner, John G. Gamble, Robert W. Williams, and William B. Nuttall—the following shares were subscribed:

Names of subscribers.	No. of shares.	Residence.	Shares secured.
John B. Gamble - - -	600	Jefferson -	594
William Maner - - -	300	Gadsden -	174
William B. Nuttall - - -	500	Jefferson -	467
Joseph McBride - - -	100	Gadsden -	100
Thomas Brown - - -	300	Leon -	193
Thomas Livingston - - -	150	Madison -	257
William Livingston - - -	150	Madison -	215
Allen & Duval and Allen & Lewis	500	Leon -	418
Alexander R. Murray - - -	100	Jefferson } -	208
John A. Cuthbert - - -	100	Jefferson }	
H. W. Braden - - -	200	Leon -	295
D. S. McBride - - -	100	Gadsden -	96
Jesse McCall - - -	50	Gadsden -	88
C. H. Du Pont - - -	100	Gadsden -	60
Thomas Preston, jr. - - -	300	Gadsden -	40
Joshua Croom - - -	50	Leon -	34
Clement W. Stevens - - -	30	Jefferson -	68
F. Fitzgerald - - -	150	Gadsden -	250
W. Wyatt - - -	100	Leon -	24
C. Fletcher - - -	5		
James Mills - - -	100		
John Edwards - - -	20	- -	11
John C. Love - - -	40	Gadsden -	30
W. Rothwell - - -	6	Jefferson.	
William Bloxham - - -	6	Leon -	10
Nathaniel P. Hunter - - -	100	Jefferson.	
Robert Gamble - - -	500	Jefferson -	754
J. and P. B. Watson - - -	100	Jackson -	111
J. W. Campbell - - -	80	Jackson -	91
Thomas Baltzell - - -	50		
James Thuomard - - -	25	Gadsden -	10

A—Continued.

Names of subscribers.	No. of shares.	Residence.	§ 8c
J. P. Poythress - - -	15	Gadsden -	
Henry Gee - - -	200	Gadsden -	
James H. Heset - - -	40	Gadsden -	
James Gibson - - -	100	Gadsden -	
J. A. Wooten - - -	100	Gadsden -	
P. H. Wooten - - -	50	Gadsden -	
Daniel Bird - - -	100	Jefferson -	
Adam Wirick - - -	60	Jefferson -	
Samuel Langley - - -	30	Jefferson -	
Sampson Pope - - -	40	Jackson -	
Samuel Wilson - - -	30	- - -	
Thomas P. Randolph - - -	60	Jefferson -	
A. A. Gruber - - -	14	- - -	
James McDonell - - -	20	- - -	
F. Armistead - - -	16	- - -	
John Miller - - -	100	Madison -	
John C. McGehee - - -	100	Madison -	
Banks Meacham - - -	50	Gadsden -	
W. D. Harrison - - -	50	Gadsden -	
John S. Shepard - - -	100	Leon. -	
Achille Murat - - -	200	Jefferson -	
Robert Gamble - - -	200	Jefferson. -	
William Rothwell - - -	7	Jefferson -	
J. P. J. Wilson - - -	120	Gadsden -	
James L. Gilchrist - - -	50	Gadsden. -	
William Norwood - - -	46	Gadsden -	
Samuel B. Wilson - - -	20	Gadsden -	
Samuel Langley - - -	36	Jefferson. -	
Paul Ulmer - - -	100	Jefferson -	
Joseph McCants - - -	10	Jefferson -	
Canada Rouse - - -	30	Leon -	
A. F. Duval - - -	30	Leon -	
R. H. Blount - - -	10	Gadsden -	
John A. Cuthbert - - -	110	Jefferson. -	
John D. Edwards - - -	100	Leon -	
D. M. Graham - - -	30	Leon -	
Thomas C. Prioleau } F. C. Prioleau J. C. Prioleau Davis Prioleau	51	Jefferson -	
Edward Way - - -	15	Jefferson -	
J. B. Page - - -	10	Jefferson. -	
C. W. Stevens - - -	38	Jefferson. -	
John G. Gamble - - -	150	Jefferson. -	
Thomas Cooksey - - -	30	Gadsden. -	
Banks Meacham - - -	7	Gadsden. -	

A—Continued.

Names of subscribers.	No. of shares.	Residence.	Shares secured.
looring - - -	30	Jackson -	34
Wilson - - -	51	Gadsden -	51
ck - - -	80	Jefferson.	
anner - - -	35	Jackson -	35
S. Pope - - -	72	Jackson -	72
instead - - -	10	Gadsden.	
E. Cooksey - - -	13	Leon -	10
atts - - -	150	Jefferson -	114
ipper - - -	10	Jefferson -	5
B. Hooker - - -	15	Hamilton.	
immons - - -	20	Jackson -	25
Nuttall - - -	150	Leon.	
gerald - - -	100	Gadsden.	
McBride - - -	50	Gadsden.	
McBride - - -	50	Gadsden.	
Gamble - - -	200	Jefferson.	
Lewis - - -	150	Leon }	203
Allen - - -	150	Leon }	
Du Pont - - -	100	Gadsden.	
tas Alston - - -	100	Leon -	113
I. Shepard - - -	200	Leon.	
Moore - - -	12	Leon -	23
Wirt - - -	500	Jefferson -	111
Ward - - -	200	Leon -	100
Peter Chaires - - -	30	Leon -	10
e de Jacminot - - -	50	Jefferson -	31
Gadsden - - -	300	Jefferson -	265
and J. C. Prioleau - - -	100	Jefferson.	
Van - - -	140	Leon -	132
nder Jernigan - - -	10	Jefferson -	10
in Murat - - -	30	Jefferson.	
William Lea - - -	60	Leon -	53
I. Braden - - -	300	Leon.	
P. Chaires - - -	100	Leon.	
Livingston - - -	30	Madison.	
B. Mays - - -	200	Madison -	209
more - - -	25	- - -	21
Glechrist - - -	25	Gadsden.	
L. Harrison - - -	50	Gadsden.	
con - - -	100	Leon -	80

JOHN G. GAMBLE, *President.*

[and from the record of first board of directors.]

The subscription book was finally closed in Tallahassee, on the 22d
 of July, 1835, having been open, for subscriptions of stock, from the 10th
 of March, 1833.

JOHN G. GAMBLE, *President.*

A —Continued.

Subscriptions to Union Bank of Florida, at Pensacola.

Names of subscribers.	No. of Shares shares. allot'd.	Names of subscribers.	No. of Sh. shares. lot
G. W. Barkley - -	10	James Bonifay - -	20
D. L. Clynch - -	300	Charles La Vallette - -	20
Henry Heyer - -	7	George W. Barkley - -	15
J. C. and C. C. Keyser -	12	J. Jennison, jr. - -	4
B. D. Wright - -	10	Charles Le Barron - -	2

This list appears to have been received by the commissioners appointed for Tallahassee by the charter. The subscription is supposed to have been secured by the commissioners named in section 2 of the charter.

JOHN G. GAMBLE, *President.*

Subscriptions at Marianna.

Names of subscribers.	No. of Shares shares. allot'd.	Names of subscribers.	No. of Sh. shares. lot
Jacob Robinson - -	350 119	William Sloane - -	100
Bennet Ferrill - -	125	Henry Hannam - -	50
P. W. Gautier, sr. - -	300 176	Andrew Young - -	60
P. W. Gautier, jr. - -	100 127	Eliz. Tanner - -	30
William Spears - -	25 12	Joseph Russ - -	50
Hugh P. Spears - -	25 10	W. S. Mooring - -	30
Thomas Orman - -	50 29	G. A. Pease - -	8
William S. Pope - -	75 72	Adam Fortune - -	17
W. J. Watson - -	50	James J. Pittman - -	76

And the following subscriptions having no amounts affixed to their names

Joseph Armstrong
Wilson Royal
Owen Williams

John Ward
King Johnston
R. J. Martin

Benjamin Brown
Joel Hamiter
W. J. Mauldin,

This list is also found inserted in the book recording the proceedings of the first board of directors, and is supposed to have been made and forwarded by the commissioners named in the second section of the charter.

JOHN G. GAMBLE, *President.*

It does not appear that books for subscription to the capital stock of the Union Bank of Florida were opened at St. Augustine, Jacksonville, or Key West, as provided for in the 2d section of the charter of the bank. The causes of the omission are unknown to the subscriber.

JOHN G. GAMBLE, *President.*

B.

UNION BANK OF FLORIDA, *February 21, 1840.*

SIR: Annexed are the names of the directors appointed by the Governor of the Territory, and elected by the stockholders of this bank for each year of its existence. I think that John A. Cuthbert, Esq., must have been the director whose name is omitted in the list of directors for 1833. But it may have been another name.

Your obedient servant,

JOHN G. GAMBLE, *President.*

E. E. BLACKBURN, Esq., *Chairman.*

In answer to the inquiry for the names of the directors of the Union Bank of Florida for each year.

The first board of directors was appointed by the Executive of the Territory.

The directors were for 1833—John G. Gamble, Wm. B. Nuttall, Green H. Chaires, John K. Campbell, Thos. Preston, jr., Isham G. Searcy, L. A. Thompson, Chs. H. Du Pont, Joseph McBride, Jno. L. Doggett, Jonathan Robinson, and one other whose name cannot be found.

The directors for the year 1834 were—

On the part of the Territory: Wm. B. Nuttall, Romeo Lewis, Henry Gee, Freeman Fitzgerald, Robt. Gamble.

Elected by the stockholders: John G. Gamble, Achille Murat, E. B. Vass, Thos. Brown, Geo. W. Ward, Joseph McBride.

The directors for the year 1835 were—

Territorial: Rob. Gamble, Hen. Gee, H. W. Braden, A. Alston, R. C. Allen.

By the stockholders: John G. Gamble, Joseph McBride, F. Fitzgerald, Chs. H. Du Pont, James Gadsden, Wm. B. Nuttall, Geo. T. Ward.

Directors for the year 1836 were—

Territorial: R. Gamble, R. C. Allen, H. W. Braden, H. Gee, A. Alston.

By the stockholders: John G. Gamble, Joseph McBride, Geo. T. Ward, Jas. Gadsden, Thos. Orman, F. Fitzgerald, E. B. Vass.

Directors for the year 1837 were—

Territorial: R. Gamble, R. W. Alston, H. W. Braden, Sam. Parkhill, Henry Gee.

By the stockholders: John G. Gamble, Tom Peter Chaires, Jos. McBride, Chs. H. Du Pont, Jas. Gadsden, Geo. T. Ward, E. B. Vass.

Directors for the year 1838—

Territorial: Robt. Gamble, R. W. Alston, H. W. Braden, S. Parkhill, Henry Gee.

By the stockholders : John G. Gamble, Tom Peter Chaires, Josep McBride, Chs. H. Du Pont, Jas. Gadsden, E. B. Vass, Geo. T. Ward.

Directors for the year 1839—

Territorial : Rob. Gamble, R. W. Alston, H. W. Braden, S. Parkhill H. Gee.

By stockholders : John G. Gamble, Tom P. Chaires, Jos. McBride, Chs. H. Du Pont, Jas. Gadsden, E. B. Vass, Geo. T. Ward.

Directors for the year 1840—

Territorial : Thos. Baltzell, R. H. Bradford, Jas. M. Gilchrist, G. V. Holland, Richard Hayward.

By the stockholders : John G. Gamble, Chs. H. Du Pont, Tom Peter Chaires, James Gadsden, George T. Ward, Robert W. Williams, Banl Meachem.

C.

UNION BANK OF FLORIDA, *January 25, 1840.*

SIR : In reply to the memorandum left with me on the 23d instant, have the honor to state—

That this bank has, at different times, received bonds of the Territory of Florida, amounting, in the aggregate, to \$3,050,000—viz : 3,050 bonds of one thousand dollars each ; of which 50 bonds, payable at the Bank of the United States, in Philadelphia, on 1st July, 1854, bear interest at the rate of 8 per centum per annum, semi-annually. The bonds are signed R. K. Call, Governor of Florida. 20 bonds are dated on 1st August 1839, and 30 bonds dated 1st November, 1839. These were issued in conformity with an act of the Legislative Council, at its last session, entitled, "An act in addition to the military laws now in force."

The remaining 3,000 bonds were received in conformity with the 10th and 31st sections of the charter of this bank. Of these—

360 bonds, dated 16th April, 1834, are signed by W. P. Duval, Governor.

640 bonds, dated 31st January, 1835, are signed by John H. Eaton, Governor.

The above 1,000 bonds are payable (interest and principal) at the Phoenix Bank of New York.

250 bonds are payable	-	-	-	1st January, 1858
250 do. do.	-	-	-	1st January, 1860
250 do. do.	-	-	-	1st January, 1862
250 do. do.	-	-	-	1st January, 1864

The remaining 2,000 bonds are dated 1st January, 1838, and are signed by R. K. Call, Governor. Whereof

500 bonds are payable	-	-	-	1st January, 1862
500 do. do.	-	-	-	1st January, 1864
500 do. do.	-	-	-	1st January, 1866
500 do. do.	-	-	-	1st January, 1868

Place of payment by endorsement on bonds—

200 bonds at American Life Insurance & Trust Co., New York.

100 bonds at the counting-house of Messrs. Hope & Co., Amsterdam.

1,700 bonds at the counting-house of Messrs. Palmers, McKillop, Dent, & Co., London.

The 1,000 bonds signed by Governors Duval and Eaton, were sold in New York, in September, 1834, by John G. Gamble, agent. The purchasers were Messrs. Prime, Ward, & King; Messrs. J. D. Beers & Co.; and Messrs. L. & S. Joseph, of New York; and Messrs. Thomas Biddle, & Co., of Philadelphia.

500 bonds were sold at a premium of half of one per cent.

500 bonds were sold at a premium of one and a half per cent.

Making an average of one per cent. premium.

The payments were in monthly instalments of \$100,000 each, with the privilege of anticipating the instalments. These instalments were generally anticipated. The interest commenced from the time of payment.

John G. Gamble was deputed, in the summer of 1838, to make sale of the 2,000 bonds signed by Governor Call. His instructions were to sell at the "best price attainable, which would produce not less than *par* in Tallahassee." The agent visited New York, London, Amsterdam, Bremen, and Hamburg, and disposed of 1,280 bonds, on terms which produced in Tallahassee \$1,374,901 20, which is \$94,901 20 more than the *par* value of bonds. This is a premium of 7.41 per cent.

The remaining 720 bonds were left for sale with the banking-house of Messrs. Palmers, McKillop, Dent, & Co., of London, and advices have since been received of the sale of sixteen of those bonds, at prices which, with the current rate of exchange, will cause them to produce, in Tallahassee, a premium of ten per cent.

Of the 1,296 bonds which have been sold—

30 were sold at *par* in Florida and New Orleans money.

100 were sold at a nominal discount of 3 per cent.

201 do. do. do. 8 do.

950 do. do. do. 9 do.

15 do. do. do. 10 do.

The bonds remaining for sale in the hands of Messrs. Palmers, McKillop, Dent, & Co., 704 bonds, have been hypothecated to secure the payment to the Pennsylvania Bank of the United States of the sum of \$533,333 33, which was borrowed from said bank. A debt which this bank will use every effort to pay from other funds. The hypothecation was made under an entire confidence that a satisfactory sale of the Territorial bonds could be made to meet that object.

Of the bonds stated to have been sold—

100 were sold to Messrs. Hope & Co., of Amsterdam.

200 to the American Life and Trust Company, New York.

950 to Messrs. Palmers, McKillop, Dent, & Co., of London.

46 to other parties in small amounts.

The contractors in every case of sale mentioned have honorably fulfilled their contracts. 28 of the bonds mentioned as having been sold, were paid for by 28 bonds of the State of Louisiana, endorsed by the Bank of Louisiana, payable and paid on 1st July last.

The charter of the bank, in the 10th section, prescribes the form of territorial bond which is to be issued, and in the accompanying documents numbered 1, 2, and 3, the committee will find copies or *fac similes* of the bonds received by this bank.

No. 1 is a blank bond and *fac simile* of the 640 bonds issued and signed by Governor Eaton. We have no *fac simile* of the 360 bonds signed by Governor Duval.

No. 2 is a *fac simile* of the 2,000 bonds signed by Governor Call.

No. 3 is a *fac simile* of the 50 bonds signed by Governor Call in pursuance of the law of the last session of the Legislative Council.

The interest upon all the bonds which have been disposed of by this bank has been punctually paid on the 1st January and 1st July in each year, where the same became due and payable. The payment of said interest has always been made in specie or its equivalent.

The interest due on the 1st January (instant) upon the 50 bonds now held by the bank, and which was payable at the Bank of the United States, in Philadelphia, has been paid here, by charging the amount of \$1,066 50 to the debit of the account of the Governor of the Territory of Florida.

Of the present value of the bonds of the Territory of Florida in the American or the European market, this bank can give no information. It is not believed that any of the bonds are held in the United States, having been long since transmitted to and sold in Europe.

The last accounts from Europe state that every species of American securities were greatly depressed in value, and many entirely unsaleable. But if the several States shall continue (as they doubtless will) to meet their engagements honorably, by the punctual payment of the interest of their respective bonds, there is no doubt that reaction will take place, and that American securities will soon rate as high as ever. So far as this bank is concerned, the faith and credit of the Territory of Florida will remain unimpeached.

Very respectfully,
JOHN G. GAMBLE, *President.*

E. E. BLACKBURN, Esq.,
Chairman Committee of Banks.

D.

BANK STATEMENTS.

UNION BANK OF FLORIDA,
Tallahassee, January 2, 1854.

SIR: In compliance with the 18th section of its charter, I hereby hand you a statement of the condition of the Union Bank of Florida, sworn to by the cashier, for the purpose of being laid before the Legislative Council.

Very respectfully, your obedient servant,
JOHN G. GAMBLE,

JOHN H. EATON, Esq.,
Governor of Florida.

Statement of the Union Bank of Florida, on Saturday evening, January 2, 1836.

To stock notes discounted	-	-	\$589,832	51	
Bills of exchange do.	-	-	385,136	28	
Notes do.	-	-	581,874	37	
					\$1,556,843 16
Amount due from other banks	-		18,097	33	
Amount due from agency at Appalachicola			61,583	19	
					79,680 52
Out Balance, viz: In specie and U. S. notes			73,248	84	
In notes of other banks			18,833	00	
					92,081 84
					<u>1,728,605 52</u>
By stock	-	-			\$1,000,000 00
Individual deposits	-	-			100,705 71
By amounts due to other banks	-	-			179,849 32
By notes in circulation	-	-			335,150 00
Discount and premium account	-	-	125,028	24	
From which deduct, viz:					
Interest on Territorial bonds			\$51,841	02	
Expense account	-	-	20,286	73	
					72,127 75
Leaving as surplus profits	-	-	52,900	49	
to be applied according to the 23d section of the charter					52,900 49
					<u>\$1,728,505 52</u>

JOHN PARKHILL, *Cashier.*

UNION BANK OF FLORIDA,
Tallahassee, January 2, 1836.

TERRITORY OF FLORIDA, *Leon county.*

Personally appeared before me, Robert J. Hackley, a justice of the peace for the county aforesaid, John Parkhill, cashier of the Union Bank of Florida, who made oath that the above account is true as stated, to the best of his knowledge and belief.

Given under my hand and seal, this 4th January, 1836.

ROBERT J. HACKLEY, *J. P.* [L. s.]

Statement of the Union Bank of Florida as rendered to the Governor and Legislative Council, on Saturday, Dec. 31, 1836.

To discounts—			
Stock notes -	\$608,924 07		
Bills of exch'ge	371,429 52		
Bonds and notes	518,546 14		
		\$1,498,899 73	
To amounts due from other banks	25,544 96		
from agency at St. Joseph -	43,965 22		
from U. States -	6,037 96		
Protest account -	64 25		
		75,612 39	
Cash balance—			
Specie and U. S. notes -	75,586 80		
Notes of other banks -	19,013 00		
		94,599 80	
By stock -	-	-	\$1,000,000 00
By cash stock -	-	-	- 3,700 00
By individual depositors -	-	-	-
By amount due to other banks -	-	-	-
By checks on time maturing -	-	-	-
By notes in circulation -	-	-	-
By profit and loss -	-	-	52,900 49
By discount and premium account -	-	\$114,703 49	-
From which deduct interest on Territorial bonds \$60,030 00			
Do. incidental expenses 17,600 82			
Do. appropriation for defence of the country -	2,000 00		
		79,630 82	
Leaving balance, surplus profits of -	-	35,072 67	
to be applied according to 23d section of charter -	-	-	35,072 67

To stock-notes discounted	\$645,365 49				
To notes discounted, secured by mortgage	123,857 00			\$1,000,000 00	
To notes discounted, payable in Tallahassee	407,544 63				
To bills of exchange	433,669 62			2,700 00	\$1,002,700 00
			\$1,610,436 74		
To amount due by other banks	12,386 91			87,973 16	
To incidental expenses	6,150 70			50,367 62	138,340 78
To damages on bills returned	473 00				
To specie on special deposit	26,369 59			82,772 24	239,612 24
To foreign bank-notes	76 00			156,840 00	108,694 17
To amount due by the agency	88,375 25				254,941 00
			133,851 45		1,744,288 19
			1,744,288 19		

JOHN G. GAMBLE, *President.*

Statement of the Union Bank of Florida, Monday morning, the 1st of January, 1888.

To stock-notes discounted	\$605,427 99		By stock -	- \$1,000,000 00	\$1,002,900 00
To stock-notes in suit	50,503 00	\$655,730 99	By cash stock	- 2,900 00	
To bonds and notes	535,159 19		By amount due to other banks	-	14,382 11
To bonds and notes in suit	19,270 25	554,429 44	By individual depositors	-	113,937 19
To bills of exchange	96,080 65		By bank bonds	-	484,000 00
To bills of exchange under protest	334,822 93		By bank-notes in circulation	-	185,517 00
To agency at St. Joseph	-	430,903 58	By profit and losses	-	87,973 16
To amount due by other banks	-	56,832 70	By discount, premium, &c.	\$94,012 67	
To claims on the United States	-	114,750 04	Deduct interest on Territorial bonds	\$60,000 00	
To Seminole expedition	1,117 39 1,046 93		Bank bonds	932 36	
To protests and damages	-	2,162 32	Expenses here		
To cash balances, viz:		4,845 04	and at ag'cy	20,528 57	
In specie	47,179 09				
In notes of other banks	33,416 00	80,595 09			
		<u>1,901,251 20</u>			<u>12,551 74</u>
					<u>1,901,251 20</u>

Leaving \$12,551 74 surplus profit of the past year, to be applied according to the 23d section of the charter, exclusive of a sum exceeding \$20,000 due for interest on suspended debt, caused by the commercial difficulties of the last year, and now under rapid process of adjustment.

Leaving \$12,551 74 surplus profit of the past year, to be applied according to the 23d section of the charter, exclusive of a sum exceeding \$20,000 due for interest on suspended debt, caused by the commercial difficulties of the last year, and now under rapid process of adjustment. .

*Statement of the Union Bank of Florida, as rendered to the Governor and
Legislative Council, January 1, 1839.*

Notes discounted	-	-	-	\$610,154 42	
on new stock	-	-	-	939,289 45	
on old cash stock	-	-	-	3,800 00	
on new cash stock	-	-	-	13,625 00	
in suit	-	-	-	47,703 00	
					\$1,614,571 87
undiscounted	-	-	-	-	141,086 94
notes payable in Tallahassee	-	-	-	948,305 84	
notes payable in suit	-	-	-	32,762 65	
under protest from Central Bank	-	-	-	9,266 39	
					990,334 88
of exchange maturing	-	-	-	-	104,392 74
of exchange under protest, securities deposited in bank	-	-	-	-	345,331 82
of exchange in suit in New Orleans	-	-	-	-	15,000 00
of the Bank at St. Joseph's	-	-	-	-	76,046 70
to be settled for	-	-	-	-	2,870 61
account	-	-	-	-	416 81
on United States	-	-	-	14,389 34	
sole expedition	-	-	-	1,046 93	
					15,436 27
other banks	-	-	-	-	132,704 32
house and lot	-	-	-	-	14,969 90
see in specie	-	-	-	104,751 27	
other banks	-	-	-	67,459 00	
					172,210 27
					<u>3,625,372 43</u>
at	-	-	-	\$1,000,000 00	
stock	-	-	-	9,300 00	
cash stock	-	-	-	136,400 00	
					\$1,145,700 00
es	-	-	-	-	553,006 21
nds, unpaid	-	-	-	-	266,400 00
nds for Central Bank stock, unpaid	-	-	-	-	28,715 00
trial bonds disposed of by John G. Gamble, agent	-	-	-	-	547,500 00
due to other banks	-	-	-	-	115,920 39
due to Central Bank	-	-	-	-	58,205 12
due to Aymar & Co., New York	-	-	-	-	40,000 00
due to Hamilton & Co., New York, to be applied to protested bills	-	-	-	-	2,386 77
shipped by Central Bank, to be applied to protested bills, &c.	-	-	-	-	13,599 72
ues of deposits issued by Central Bank	-	-	-	-	620 16
on bills returned protested	-	-	-	-	93 34
nd loss	-	-	-	100,661 39	
nd premium	-	-	-	\$291,335 69	
ten Territorial bonds	-	\$60,000 00	-	-	
ten bank bonds	-	3,949 93	-	-	
ge of bank and agency	-	26,683 33	-	-	
			90,518 26		
				200,817 43	
					301,478 82
ion of the bank	-	-	-	-	551,747 00
					<u>3,625,372 43</u>

\$200,817 43 surplus profit for the past year, to be applied according to the 23d section of the charter of the bank.

JOHN PARKHILL, Cashier.

State of the Union Bank of Florida, on Wednesday, January 1

To stock-notes discounted	-	-	- \$1,818,540 21	
To stock-notes in suit	-	-	- 12,102 00	\$1,8
To notes and bonds discounted	-	-	- 1,253,058 16	
To notes and bonds in suit	-	-	- 164,679 69	1,4
To bills of exchange maturing	-	-	- 62,068 08	
To bills of exchange returned protested	-	-	- 151,747 27	
To bills of exchange in suit in New Orleans	-	-	- 21,778 57	
To Territorial bonds unsold	-	-	-	
To Florida 8 per cent. stock	-	-	-	
To premium on bank stock purchased	-	-	-	
To protest account	-	-	-	
To amounts due by banks and agents	-	-	-	
To agency at St. Joseph's	-	-	-	
To real estate, Tallahassee	-	-	- 15,169 90	
To real estate, St. Joseph's and Jackson counties	-	-	- 59,223 57	
To real estate, Richmond, in trust	-	-	- 9,971 84	
Cash balance, specie	-	-	- 36,728 52	
Central bank notes uncanceled	-	-	- 88,499 00	
Notes of other banks	-	-	- 1,765 00	1
				4,8
By stock	-	-	- \$3,000,000 00	
By cash stock	-	-	- 154,300 00	3,1
By amount due to banks and agents	-	-	-	1
To the credit of J. G. Gamble, entries not yet made to balance account	-	-	-	3
By cotton sales, to be applied to advances made	-	-	-	
By certificates of deposits	-	-	- 36,172 42	
By deposit	-	-	- 180,436 44	
By circulation	-	-	-	
By sinking fund	-	-	- 302,177 06	
By discount account	-	-	- \$226,122 25	
From which deduct incidental ex-				
penses	-	-	\$28,066 49	
Interest paid on bank and Terri-				
torial bonds	-	-	165,997 05	
Loss on exchange in transmitting			3,273 65	
			197,337 19	
Balance to be carried to sinking fund, to be applied according				
to the 23d section of the charter	-	-	- 28,785 06	
				4,8

JOHN PARKHILL,

TERRITORY OF FLORIDA, county of Leon.

Personally appeared before me, a justice of the peace for the county aforesaid, J. Hill, cashier of the Union Bank of Florida, and made oath that the above statement, to the best of his knowledge and belief. Given under my hand and seal, this January, 1840.

WM. HILLIAR

E

Subscriptions to the new stock of the Union Bank of Florida.

Names.	Residence.	Date.	Shares subscrib.	Allotment.	
				New.	Old.
d Walker	Jefferson	Oct. 26, 1837	75		
Blount	Gadsden	"	40	20	
Mays	Madison	Oct. 27 "	300		
lays	"	"	300	20	
ina	St. Joseph	"	200	20	
Fillis	Leon	"	500	528	25
lackwell	Jackson	"	200	110	55
lackwell	Franklin	"	250		
patrick	"	"	500		
ood	"	"	300		
g	Leon	"	60		
rock	"	"	50		
	"	Oct. 28 "	200	20	
	"	"	180	20	
	"	"	100	20	
	"	"	20	8	
	"	"	200	20	
hill	"	"	550	569	63
as	"	"	247	143	53
ford	"	"	10	9	
Price	St. Joseph	"	300		
th	Gadsden	"	25		
Fisher	Leon	Oct. 31 "	125		
ick	Madison	"	200		
& Hart	"	"	50		
Martin	"	"	50		
Lesier	"	"	200	20	
& King	Gadsden	"	50		
mon	Jefferson	"	70		
aker	"	"	220	203	120
Watts	"	Nov. 1 "	300	69	114
mon	Madison	"	80	20	
mer	Jefferson	"	400		
Wilson	Jackson	"	250	179	72
mon	Jefferson	"	150	20	
Parish	"	"	200		
	"	"	50	20	
	"	"	500	488	210
J. Braden	Leon	"	600	619	295
W. Nuttall	Jefferson	"	480	126	467
y Gee	Gadsden	"	300	205	147
James	Jefferson	Oct. 18, 1837	120	120	

E—Continued.

Names.	Residence.	Date.	Shares subscrib.	
D. Williams -	Jefferson -	Oct. 18, 1837	90	
Thomas Moore -	Leon -	"	65	
K. Binnley -	" -	"	200	
John S. Taylor -	" -	"	300	
John Taylor -	" -	"	300	
S. Parkhill -	" -	"	1000	12
Henry B. Bradford -	" -	"	200	
R. C. Allen -	" -	"	500	1
J. H. Duval -	" -	"	240	
R. J. Hackley -	" -	"	100	
R. R. Pilgrim -	" -	"	20	
T. Baltzel -	Jackson -	"	500	
H. L. Rutgers -	Leon -	"	25	
J. Coe -	Gadsden -	"	400	2
C. H. Dupont -	" -	"	200	1
D. L. Kenan -	" -	"	200	
S. Sadbury -	" -	"	100	
Jesse McCall -	" -	"	180	
James Gibson -	" -	"	200	2
James M. Harris -	" -	"	100	
W. B. McCall -	" -	"	300	
W. Williams -	Leon -	"	400	
W. Gassoway -	" -	"	100	
D. C. Wilson -	" -	"	180	
D. M. Graham -	" -	"	125	
C. Rouse -	" -	"	125	1
A. F. Duval -	" -	"	225	1
J. D. Edwards -	Jefferson -	"	260	2
J. Moore -	Madison -	"	50	
E. B. Vass -	Jefferson -	"	200	1
W. P. Craig -	Leon -	"	1000	
B. Gamble -	Jefferson -	"	650	2
A. Alston -	" -	"	200	
E. W. Wirt -	" -	"	1000	6
J. R. Dorsey -	Leon -	"	200	
F. Eppes -	" -	"	768	5
J. C. McGehee -	Madison -	"	600	1
I. R. Harris -	" -	Oct. 19, 1837	180	
H. V. Snell -	" -	"	100	
B. Chaires -	" -	"	2350	
J. D. Gray -	" -	"	300	
J. D. Wescott, jr. -	" -	"	100	
P. W. Gautier, jr. -	" -	"	300	:

E—Continued.

Names.	Residence.	Date.	Shares subscrib.	Allotment.	
				New.	Old.
rwkins -	Madison -	Oct. 19, 1837	60		
oyd -	" -	"	500		
msom -	Gadsden -	"	150	20	
roskey -	St. Joseph -	"	500		
lner -	Jefferson -	"	150		
n -	Leon -	"	300	340	160
adford -	" -	"	150	97	34
adford -	" -	"	150	20	
r -	" -	"	100	31	21
l -	" -	"	1200		
ord -	" -	"	500	342	52
edolph -	" -	"	100	100	42
leman* -	" -	"	50		
ylor -	" -	"	150	20	
lamy -	Jackson -	"	260	148	91
tridge -	Jefferson -	Oct. 20, 1837	600	135	5
aring -	Leon -	"	40		
ulin -	" -	"	300	250	10
rley -	" -	"	60	20	
lley -	" -	"	200		
ith -	Gadsden -	"	100	20	
gram -	" -	"	100	22	10
-	Leon -	"	300	67	
aniel -	" -	"	150	20	
ngton -	Madison -	Oct. 21, 1837	600	236	251
ngton -	Jefferson -	"	700		
livingston -	Madison -	"	500	40	8
Graves -	Jefferson -	"	300	20	
Blackburn -	" -	"	200	20	
ling -	" -	"	150	17	
ood -	" -	"	40	13	
Fisher -	Leon -	"	100		
ney -	Jefferson -	"	40		
yatt -	Leon -	"	200	64	24
edall -	Jefferson -	"	800	760	24
Gautier, sr. -	" -	"	200	51	176
Trotti -	Leon -	"	120	20	
ney -	Jefferson -	"	69	23	9
pton -	Leon -	"	100	20	
Christman -	" -	Oct. 23, 1837	100	20	
his -	" -	"	40	20	
Chaires -	" -	"	170	139	49
Hays -	" -	"	200	114	12

* Has old stock in name of Watts,

E—Continued.

Names.	Residence.	Date.	Shares subscrib.	A N
Dr. J. Elliott -	Jefferson	Oct. 23, 1837	500	
J. P. Duval -	Leon	"	500	
W. Treadwell	"	"	300	
R. W. Alston	"	Oct. 24, 1837	260	
A. Alston -	"	"	260	v
T. Monroe -	Gadsden	"	200	
O. H. Gadsden	Jefferson	"	50	1
J. H. Sylvester	Gadsden	Oct. 25, 1837	50	
R. Wilson -	"	"	50	
J. B. Lancaster	Duval	"	100	
Mrs. M. Taliaferro	Va	"	100	
G. T. Ward -	Leon	"	258	2
A. Wirick -	Jefferson	"	200	
Dennis Hawkins	Madison	"	250	1
L. Church -	"	"	250	1
R. Hayward -	Leon	Oct. 26, 1837	350	2
R. Hayward & Co.	"	"	300	
J. A. Goff -	Jefferson	"	80	
J. Stephens -	"	"	30	
W. Mills -	Gadsden	Nov. 2, 1837	10	
J. Thomas -	"	"	50	
T. Mills -	"	"	45	
F. J. Simpson	Leon	"	40	
B. G. Waring	"	3	100	
A. Hand -	Gadsden	"	15	
B. Hagan -	Leon	"	30	
T. King -	Jackson	"	100	
T. A. Betton -	Leon	4	100	
W. Childress	"	6	16	
D. Bird -	Jefferson	7	600	3
T. Purifoy -	"	"	150	
J. Braden -	"	"	100	
B. Johnson -	Leon	"	200	
J. Wilson -	Gadsden	"	10	
L. G. Lamb -	Leon	"	200	
H. Washington	"	"	200	
U. Wood -	Gadsden	8	50	
J. McPhaul -	"	"	25	
J. McBride -	"	"	500	1
L. H. Branch	Leon	9	160	
D. McRaeny -	"	"	200	
A. N. Johnson	Gadsden	"	100	
G. H. Long -	"	"	40	
B. Meacham -	"	10	160	

E—Continued.

Names.	Residence.	Date.	Shares subscrib.	Allotment.	
				New.	Old.
nn -	Leon -	Nov. 11, 1837	140	20	
lirbell -	" -	13	500		
Williams -	" -	"	800	20	
hares -	" -	"	1000		
tyton -	Jackson -	"	100	64	5
boore -	Leon -	15	50	20	
nan -	" -	"	150	20	
ett -	" -	"	500	20	
-	Jackson -	"	100		
rdon -	" -	"	100		
man -	" -	"	100		
apman -	" -	"	300	123	52
hitner -	Madison -	"	200	429	68
brunt -	Leon -	16	200	20	
ll -	" -	"	25		
rie -	Franklin -	18	300		
orter -	" -	"	300		
l -	Jackson -	"	250		
mble -	Leon -	"	1500	1089	1079
Hunter -	Gadsden -	"	100		
stoun -	Leon -	"	170	20	
rtie -	" -	"	100		
ston -	" -	"	30		
lexander -	Madison -	20	60	12	7
xy -	" -	"	20		
ll -	Gadsden -	"	25		
behee -	Jefferson -	"	500	20	
akers -	Leon -	21	200		
nan -	Jefferson -	"	600	336	473
C. W. Stevens -	" -	"	100		
T. W. Seabrook -	" -	"	100		
Dval -	" -	"	100		
ming -	Leon -	22	300	20	
of A. Hunter -	Gadsden -	"	200		
Brown -	Leon -	"	250		
Graig -	" -	23	100	53	13
& Judge -	" -	"	100		
Ellis -	Jefferson -	"	50		
Debney -	Madison -	"	400	20	
ntreet -	Hamilton -	"	20	20	
Overstreet -	" -	"	25	12	
Wyche -	Madison -	24	150	20	
Owens -	Leon -	25	35	9	
Courtenay -	" -	"	60	20	

E—Continued.

Names.	Residence.	Date.	Shares subscrib.	A N.
W. C. Smith -	Jefferson -	Nov. 25, 1837	50	
P. Simmons -	Jackson -	"	50	
J. Robinson -	" -	"	300	2
J. Russ, sr. -	" -	"	200	
Charles Cole -	Leon -	27	120	
W. Maner -	" -	"	200	1
R. K. West -	" -	28	150	
D. C. Clark -	Jefferson -	"	200	
H. M. Hale -	Leon -	29	50	
Hardy More -	Jefferson -	30	70	
E. Wood -	" -	Dec. 1	200	
J. Carnochan -	Gadsden -	1	200	
Nourse & Brooks -	Appalachicola -	1	500	
H. Nourse -	" -	1	500	
E. White -	Leon -	1	500	
F. Fitzgerald -	Gadsden -	1	500	1
J. L. Middleworth -	Appalachicola -	2	500	
A. Young -	Jackson -	2	50	
Isham Johnson -	Gadsden -	2	30	
W. S. Mooring -	Jackson -	2	75	
J. S. Hart -	Leon -	2	100	
J. L. Hart -	" -	2	100	
W. W. Hart -	" -	2	75	
J. S. Russell -	" -	2	40	
J. M. Elliott -	Gadsden -	2	18	
M. A. Armistead -	Leon -	4	150	
Daniel Houck -	" -	5	30	
J. Spivey -	Gadsden -	5	50	
S. J. Baker -	Jackson -	6	75	
J. Baker -	" -	6	100	
Frances Towers -	Gadsden -	6	50	
O. Michaux -	" -	6	50	
E. & A. Shepard -	" -	6	50	
W. T. Bostwick -	" -	6	50	
J. L. McKinnon -	" -	6	100	
Charles Haire -	St. Joseph -	6	200	
S. W. Snell -	Leon -	7	200	
John S. Wyche -	Madison -	7	150	
J. W. Haile -	Leon -	8	50	
J. Powell -	" -	8	600	
W. A. Carr -	" -	9	900	
J. Tatum -	" -	9	50	
W. Anderson -	Pensacola -	9	400	

E—Continued.

Names.	Residence.	Date:	Shares subscrib.	Allotment.	
				New.	Old.
erson -	Leon -	Dec. 9, 1837	25	13	
igna -	Jefferson -	9	30		
lams -	Appalachicola -	11	300	20	
ell -	" -	11	100		
lorges -	Jefferson -	11	60	20	
berts -	" -	12	200	20	
iley -	" -	12	700	226	2
olland -	" -	13	400	20	
m -	Gadsden -	13	800		
son -	" -	13	100	v. a.	
meron -	Pensacola -	13	300		
epard -	Leon -	13	400		
ramlin -	" -	14	20		
ler -	Madison -	14	70		
tt -	Leon -	14	500	v. a.	
ong -	" -	14	500	20	
erstreet -	Madison -	14	75	v. a.	
erson -	Walton -	16	3		
onald -	" -	16	4	4	
-	" -	16	3	3	
msay -	" -	16	3	3	
cLean -	" -	16	17	15	
onald -	" -	16	4	4	
lallet -	" -	16	6	6	
ood -	" -	16	8	8	
McLean -	" -	16	25	20	
cLean -	" -	16	11	11	
McLeod -	" -	16	5	4	
mes -	Leon -	18	20		
Widock -	Jackson -	18	50	8	
Wess -	" -	18	50		
Smith -	" -	19	50		
Marril -	" -	20	60		
ins -	Gadsden -	20	100	20	
alie -	Madison -	20	100	20	
& Ware -	Jefferson -	20	400		
as -	" -	21	40	19	
ler -	" -	21	220	v. a.	
McCall -	Gadsden -	21	50	20	
s Godwin -	Jackson -	22	50		
Levy -	Alachua -	22	250		
Ellis -	} Leon -	22	150	10	
Ellis -				8	
Ellis -				20	
Woodward -	Jackson -	23	20		

E—Continued.

Names.	Residence.	Date.	Shares subscrib.	A No.
D. W. Horne -	Jackson -	Dec. 23, 1837	40	
E. C. Cabell -	Jefferson -	23	300	
James Spears -	Leon -	26	3	
Wesley Forbes -	" -	26	100	
T. L. Hall -	" -	26	100	
M. C. Robinson -	" -	29	40	
E. Woody -	Appalachicola -	29	200	
M. Hickins -	Gadsden -	29	50	
B. Manning -	Leon -	29	100	v.
B. & J. Manning -	Jefferson -	29	200	
W. Maner -	Leon -	29	200	v.
W. R. Mathers -	Jefferson -	29	39	
Joseph Moore -	Madison -	29	50	
J. Wooten -	Jefferson -	29	20	
Charles B. West -	Leon -	Jan. 1, 1838	50	
R. C. Adams -	Jackson -	1	125	v.
T. Hardiman -	Jefferson -	3	50	
A. F. Holmes -	" -	4	120	
J. Lott -	Jackson -	4	60	
L. Lott -	" -	4	50	
W. B. Cheesborough -	" -	4	50	
John Miller -	Madison -	5	150	1
A. L. Allison -	Appalachicola -	6	350	
A. F. Duval -	Leon -	6	75	v.
C. G. English -	" -	7	350	
J. S. Bond -	Jefferson -	7	100	
Haywood & Thompson -	" -	7	150	
D. Hankins -	Madison -	10	200	1
R. H. Howern -	" -	10	100	
L. J. McMillan -	Jefferson -	10	30	
R. J. Floyd -	Franklin -	10	30	
A. Townsend -	Madison -	11	25	
B. W. Gauze -	Leon -	11	150	
R. H. Berry -	" -	11	150	
John Smith -	" -	15	200	
J. R. Green -	" -	15	100	
T. F. Ash -	" -	15	200	
Mrs. Hughes -	" -	15	300	
R. B. Berry -	" -	18	35	ca
J. P. Billingsley -	" -	15	30	
De Blois & Co. -	Franklin -	15	250	
J. J. Edwards -	Jackson -	19	30	
O. Sutton -	" -	19	20	
J. & A. Parker -	" -	19	18	
N. Shelfer -	Gadsden -	19	50	

E—Continued.

Names.	Residence.	Date.	Shares subscrib.	Allotment.	
				New.	Old.
Adams	Gadsden	Jan. 19, 1838	50	19	
Be	Madison	20	150	20	
Webb	Leon	20	100	20	
Webbitt	Pensacola	22	200	20	
Lett & John					
	Jackson	22	60		
Withers	Leon	22	300		
	Gadsden	22	100		
	"	22	50	12	
	"	22	100		
Gamble	Leon	22	1,600	v. a.	
Comen	Gadsden	23	100	20	
Tomery	"	23	50		
	"	23	20		
Adams	Leon	23	50	10	
Weland	"	23	100	20	
Wison	"	24	50	20	
Re	Gadsden	24	150	24	30
	"	24	50	20	
	"	24	50	20	
	"	24	50	7	
	"	24	100	10	21
	"	24	100		
Spens	"	24	50	9	8
bell	"	24	100	31	7
brook	"	24	50	10	35
bury	"	24	100	10	33
Wison	"	24	50	19	
ext	"	24	25		
Wia	Jackson	24	50	10	
	Jefferson	25	100	v. a.	
	"	25	40	20	
	Leon	25	25	15	
Hawkins	Pensacola	26	15	cash & stock.	
Wman	Leon	26	150	v. a.	
Wose	Madison	27	180		
Whe	Franklin	29	300		
Hamilton	Jefferson	29	1,500	v. a.	
Gamble	"	29	50		
Wia	Leon	29	50		
Wier	"	29	100	v. a.	
Wison	"	29	50		
Wia	Jefferson	29	75		
Wia	"	30	30		
Wia	"	30	40		

E—Continued.

Names.	Residence.	Date.	Shares subscrib.	N
T. J. Linton -	Madison -	Jan. 31, 1838	550	2
H. S. Linton -	" -	31	320	
R. Blount -	Gadsden -	31	25	
T. Littleton -	Jackson -	31	50	
W. Littleton -	" -	31	50	
D. Vass, as agent for I. Irwing -	Columbia -	31	200	
John McElvy -	Gadsden -	31	25	
A. McKenzie -	" -	31	25	
D. S. McBride -	" -	31	160	1
T. P. Randolph -	" -	Feb. 1	60	v
J. Edwards -	Jefferson -	3	20	
E. P. Grant -	Leon -	5	30	
O. Michaux -	Gadsden -	5	50	v
J. M. Gilchrist -	" -	5	100	
S. Jordan -	Jefferson -	5	8	
Rachael Edwards -	Gadsden -	5	25	
A. McPhatters -	" -	5	10	
W. Rodgers -	" -	5	25	
W. M. Simons -	St. Augustine -	9	11	
James B. Mason -	Jacksonville -	9	100	
B. F. Whitner -	Leon -	9	300	4
H. Watkins -	Jefferson -	9	30	
W. M. Hunter -	Hamilton -	10	40	
S. Hall -	" -	10	40	
J. Duncan -	" -	10	50	
J. Stewart -	" -	10	25	
J. L. Stewart -	" -	10	25	
A. A. Stewart -	" -	10	25	
Perry G. Wall -	" -	10	30	

The subscriptions were received at the banking-house by the
of the bank. The allotment made by the directors.

JOHN G. GAMBLE, *Pro*

FEBRUARY 15, 1840.

F.

UNION BANK OF FLORIDA, *February 12,*

SIR: In reply to your "additional inquiries," dated 28th ultimo
leave to answer:

1. That the date of receipt of the Territorial bonds, by this
be correctly ascertained in the office of the Secretary. Receipts
for them;

There were two written contracts only, for the sale of bonds. The first of 1,000 bonds, in 1834, to Messrs. Prime, Ward, & King, and a copy of this contract is mislaid, but its details are fully set forth in my letter of the 25th ultimo. You will, herewith, receive a copy of the contract, for sale of 950 bonds sold to Messrs. Palmers, McKillop, Dent, & Co., of London ;

The contract, with my letter of the 25th, does not furnish answers to sub-queries under this head, I answer :

1st. My letter of the 25th ultimo states the prices at which sales were made; and it further states, what these prices produced to the bank, a sum of \$94,901 20 ;

2d. As to the "nature of the funds *given* in payment," where not otherwise mentioned in my letter referred to : the "funds" *received*, were cash at the sale. In one instance, I purchased, of the purchaser, a bill on London for £32,500 sterling, which I remitted to London, to the care of the Union Bank, to pay a London debt ; and I took said bill in payment of the money which would otherwise have been paid me ;

3d. As to payments to be made, were in New York, Amsterdam, and London ; payments were made, accordingly, in said cities ;

4th. My letter of the 25th ult. informed you, that the first 1,000 bonds were sold in September, 1834. I now add, that 200 were sold in New York, in 1838, to American Life & Trust Company ; 100 sold Hope & Co. in New York, 24th September, 1838 ; 950 sold Palmers, McKillop, Dent, & Co. in London, 21st February, 1839 ; 46 sold sundry persons, at sundry times, in New York, 11st February and 13th September, 1839 ;

5th. There were no "letters of credit" received in payment, and it is difficult to say how they could have been. The exchange received is accounted for in my letter to 2d sub-query. The purchase-money was always placed in the hands of the Union Bank and its agents, and was drawn out by bills, as wanted ;

6th. The debt due the Bank of the United States was contracted 10th March 1834. It was for \$533,333 $\frac{1}{3}$, received in the post-notes of that bank, six months after date, for which the Union Bank gave its obligation in London, in four equal instalments, payable on 1st November, 1st December, 1st January, and 1st February (instant) ;

7th. The contract with Messrs. Palmers, McKillop, Dent, & Co., will show that no instructions were left, for the disposition of the unsold bonds ; but in case of suspension of specie payment, the agents are authorized to sell for cash, as with the current exchanges, will cause the bonds to produce a sum to the bank ;

8th. Since the recent movement, in the Senate of the United States, and in the Legislative Council of Florida on the same subject, the directors of the Union Bank cannot pretend to conjecture what is the nearest possible approximation to the present value of the Florida bonds of Florida, in the European and American markets." It is a delicate subject, easily injured, and difficult to re-establish ; the 28 Louisiana bonds were worth par in New Orleans, which is worth a premium *here*, of five to twelve per cent. ;

9th. "What was the description of Florida and Louisiana money received in exchange at *par*, for 30 bonds ?"

10th. The 28 Louisiana bonds, mentioned in my letter of the 25th ultimo and also in the preceding answer ; the "Florida money" is two

thousand dollars, charged to *my* private account with the bank, for 1 of the Territorial bonds which I took on my own account ;

11th. The answer to this question will be found in the following extract from my letter of 11th June, 1839, addressed to Messrs. Palmers, McKillop, Dent, & Co., of London : " I have made an arrangement with the Bank of the United States, which enables me to anticipate the sale of the Florida bonds left in your charge. By the arrangement, I have given bonds of the Union Bank of Florida, payable at your counting-house, to the amount of £120,000 sterling, payable in equal instalments, on 1st November, 1st December, 1st January, and 1st February. Our friends, Melville Wilson and Gabriel Straw, unite with me in the belief, that, before the dates named, you will readily effect sales of the Florida bonds, in which event, as required by S. Jaudon, Esq., you will please discount said bonds for account of the Union Bank ; and you will please understand, that (with exception of the \$150,000, payable in Louisiana bonds, as per contract) the Florida bonds in your charge are to be applied to the payment of the sterling bonds above described ; and if, to meet their payment, it shall become necessary to sell the Territorial bonds at a price less than that limited in my letter of 20th April last, you will be at liberty so to sell."

Your obedient servant,

JOHN G. GAMBLE, *President*

E. E. BLACKBURN, Esq., *Chairman*.

G.

Agreement for purchase of Florida Loan.

MEMORANDUM of an agreement made and entered into, the twenty-first day of February, one thousand eight hundred and thirty-nine, between *John Grattan Gamble*, Esquire, President of the Union Bank of Florida, in the United States of America, but now in London, of the one part, and Messrs. *Palmers, McKillop, Dent, & Co.*, of London, bankers, of the other part :

The said John Grattan Gamble being authorized and empowered by the two millions dollars of Territorial bonds of Florida lately issued in pursuance of the charter of the said Union Bank, whereof he has already disposed of part, and there remain now unsold bonds for one million, five hundred and fifty thousand dollars (the particulars whereof are specified in the schedule subjoined), it is hereby CONTRACTED and AGREED, by and between the parties, hereto as follows, that is to say :

First. The said John Grattan Gamble agrees to sell, and the said *Palmers, McKillop, Dent, & Co.*, agree to purchase bonds for nine hundred and fifty thousand dollars, part of the aforesaid loan, proportionably from the several sums thereof, bearing interest from the first of January last, at or for the price of one hundred and ninety-four thousand five hundred and ten pounds, ten shillings, being at the rate of ninety one per cent., to be paid in London, in British sterling, in the proportions, and at the times, following, viz: thirty per cent. of the purchase-money, on the first March next after the delivery of the bonds, with dividend warrants ; twenty per cent.

the 15th March ; twenty per cent. on the 15th April ; thirty per cent. on the 15th May. The bonds to be delivered to Palmers, McKillop, Dent, & Co., on the execution of this agreement, or as soon after as complete ; and the payments to be made by them to the said John Grattan Gamble, or to be shown for by him, or by such persons as he shall appoint.

Second. The said Palmers, McKillop, Dent, & Co., are to be at liberty to pay up the whole or any part of the purchase-money at any time, subject to a deduction from the instalments not due, at the rate of five pounds per cent. per annum, for the period to elapse.

Third. The said John Grattan Gamble agrees to employ, and hereby authorizes, the said Palmers, McKillop, Dent, & Co., to sell the residue of the bonds of the said loan, amounting to seven hundred thousand dollars, for account of the said Union Bank, at a price not less than ninety-five dollars per cent., unless with the previous consent of the said John Grattan Gamble. And it is agreed, that there shall be allowed to the said Palmers, McKillop, Dent, & Co., a commission at the rate of two per cent. on the capital amount of the bonds which shall be so sold by them ; and further, that, in case the said bonds, or any portion thereof, shall be sold at a price exceeding ninety-three per cent., or twenty pounds eighteen shillings and six pence sterling per one hundred dollars, the excess of price shall be divided equally between the said bank and the said Palmers, McKillop, Dent, & Co. ; and, in calculating the said price, for the purpose of dividing the surplus aforesaid, it is agreed that the sale price shall be taken before deducting the commission, and that in respect to such bonds as there shall be less than two months' dividend due upon at the time of sale, the deficiency shall be considered an augmentation of the sale price, and in respect to such bonds as there shall be more than two months' dividend upon at the time of sale, the excess shall be considered a diminution from the sale price. Palmers, McKillop, Dent, & Co., are to be allowed the customary brokerage paid by them on sale. In all calculations of the price and dividends of this loan, and the commission payable, the dollar shall be taken at four shillings and six pence sterling. The said Palmers, McKillop, Dent, & Co., are to retain their commission, and their proportion of the excess of price, as aforesaid, out of the proceeds of bonds sold ; and they are to pay over the balance, as received to the said John Grattan Gamble, or as he shall appoint.

Fourth. The said Palmers, McKillop, Dent, & Co., shall have the option of delivering Louisiana five per cent. bonds, due the first July next, to an extent not exceeding one hundred and fifty thousand dollars, in payment ~~pro tanto~~ of the proceeds of their sales on commission, as aforesaid ; and such Louisiana bonds shall be taken at the rate of fifty pence sterling per dollar of Louisiana stock. In any such case, Messrs. Palmers, McKillop, Dent, & Co., shall be entitled to credit also for the proportion of dividend accrued on the Louisiana bonds from the last day of payment to the day of delivery ; and the bank shall be entitled to the proportion of dividend from the day of delivery.

Fifth. That the said Palmers, McKillop, Dent, & Co., shall be at liberty to retain, out of the instalment falling due in May, the amount of the dividend accruing on the first July on the portion of the loan purchased by them, and on so much more as they shall have sold, and their commission on the dividend.

Sixth. The said Messrs. Palmers, McKillop, Dent, & Co., shall be employed as agents for the said loan in England, and shall pay the dividends

in London, for which they shall receive a commission of one per cent. on the amount of such dividends. They shall also act as agents on redemption of the loan, on the usual commission. The bank engages to provide the funds for payment of the dividends from time to time to accrue on the said bonds, and to place them, in cash, in the hands of Messrs. Palmers, McKillop, Dent, & Co., such time before the dividends falling due, as may enable them to advertise the same, and make proper arrangements for their payment.

JOHN G. GAMBLE, *President*,
PALMERS, McKILLOP, DENT, & CO.

Witness :

JAMES D. HATFIELD, Jr.

Florida bonds.

A. Nos. 1,251 to 1,500, inclusive,	payable January 1, 1862,	250 bonds.
B. Nos. 1,501 to 2,000,	do. do.	1864, 500 bonds.
C. Nos. 2,101 to 2,500,	do. do.	1866, 400 bonds.
D. Nos. 2,501 to 3,000,	do. do.	1868, 500 bonds.

1,650 bonds.

JOHN G. GAMBLE, *President*.

H.

The committee to whom was referred the subject of a standard of value, to be applied to the appraisement of property under the new subscription to the capital stock of the Union Bank of Florida, report :

That, in 1834, when appraisements were made of property to be mortgaged to secure subscriptions to the capital stock of the Union Bank of Florida, the value of land was greatly depressed by the scarcity of money, and the general indebtedness of the people. The bank capital of Middle Florida did not then exceed one hundred thousand dollars, of which a large proportion was reloaned to the stockholders, upon a pledge of their stock, and all of it had been abstracted from other employments ; so that this small bank capital had added nothing to the wealth or resources of the country.

The successful organization of the Union Bank introduced into the country a new capital of one million of dollars, beside half as much more which the bank was enabled to lend upon its own credit. The conversion of this new capital into productive labor enabled our enterprising citizens to change unproductive forests into productive plantations, which thus created new capital to be employed in reproduction. The consequence has been, an entire change in the circumstances of the country, and a prodigious enhancement in the value of lands, which now sell for twice and thrice their former prices ; nevertheless, lands in this Territory are intrinsically cheaper than in any of the new cotton-producing States.

It is after this happy change in the circumstances of the country, caused by their enterprise and by the use of their capital, that the old stockholder

have consented to open a new subscription of stock, and to admit new partners into the concern ; and the question is presented, whether new subscribers shall be admitted upon different and more favorable terms than the old stockholders. There can be no hesitation as to the answer.

A, an old subscriber, owning one hundred shares of bank-stock, secured by mortgage of his plantation, appraised in 1834 at ten thousand dollars. His neighbor B owns a plantation of just the same value as that of A, but being appraised in the year 1838, is valued at thirty thousand dollars, and he asks that, upon the security of the plantation, he be allowed three hundred shares of the stock, or thrice as many as were allotted to his neighbor A. It would be waste of time to argue such a point.

To your committee it appears an indisputable proposition that the new subscribers must become stockholders under appraisements at the old standard of value ; or that a new appraisement of the property of the old stockholders must be made, and new shares allowed thereon, so as to place both upon an equality. The application of the old standard will cause great dissatisfaction to the new subscribers, which should be avoided, if it can be done without injustice. The other branch of the proposition will therefore be considered.

It proposes a new appraisement of the property already mortgaged, and an allotment of new shares proportioned to the increased value. Doubts of the legality of this course have been suggested. Those doubts are not entertained by your committee.

The intention of the Legislature, in requiring mortgages to secure subscriptions to stock, was to ensure payment of the Territorial bonds, issued for the purpose of raising the bank capital. That object will be attained, whether the mortgage is taken under the old standard of value, or under a new appraisement. The question is one exclusively affecting the relative interests of the old and new subscribers. If there had been no previous subscription of stock, and if the whole capital of three millions of dollars was now to be subscribed, the present standard of value would govern the whole subscription. There would be no doubt of there being sufficient security for the payment of the Territorial bonds.

The mortgage given to the bank to secure old stock deducts nothing from the value of the mortgaged property, nor makes it of less value than similar property, not mortgaged ; nor is there any obstacle opposed by law or by reason, why new stock may not be secured by additional mortgage of property, already mortgaged for less than its value.

The charter recognises the right of the bank to lend money upon security of mortgage (sec. 26). Suppose property, known to be worth five thousand dollars, to have been mortgaged to secure a loan of one thousand dollars, would the circumstance of an existing mortgage forbid a further loan, to be secured by an additional mortgage of the same property ?

Suppose property once mortgaged to secure shares of stock, to have been released by substitution of other property, or by payment of the amount in money ; and that the same property should, under a new appraisement, be offered to secure stock—would its value be decided by the cancelled mortgage, or by the new appraisement and new standard ?

The sections of the charter which bear upon the question are the sixth, seventh, and eighth. The sixth section directs the appraisement of property intended to be offered as security for subscriptions to stock. The object of the appraisement seems chiefly to furnish *data*, to assist the board

of directors to form an opinion of the value of the property. The appraisement does not determine the judgment of the board, for the seventh section makes the board of directors the judges of the sufficiency of the mortgages offered to secure stock, and gives them the power to refuse or reject the same, if insufficient ; and the eighth section says, the subscribers shall be bound to give bond and mortgage, to the satisfaction of the board of directors, on property, to be in all cases, at least, equal to the amount of their respective stock, &c.

It is clear, from these sections, that the board of directors are the judges of the sufficiency of the security which is offered. The object of the mortgage is security for the payment of the bonds to be issued, and all that the charter requires is that the security be sufficient.

Your committee are, therefore, of the opinion that a standard of value, somewhat higher than that which governed the old subscriptions, ought to be applied to property offered to secure new stock ; and they recommend a new standard for lands, one-third higher than the old standard. They think that the value of slaves, being more fluctuating, and that kind of property more liable to be removed from the control of the bank, requires an adherence to their old standard of value.

Your committee are also of opinion that, with perfect safety to all concerned, the new standard of value may, and in justice should, be applied to lands already mortgaged to secure old stock ; and that additional shares of new stock should be allotted upon additional mortgage of said lands.

It is obvious that the new standard for valuing lands is still greatly below their actual value.

The above report was submitted to the board of directors on the 5th of February, 1838, and accepted by the board.

JOHN G. GAMBLE, *President.*

I.

The committee appointed to consider and report on the course proper to be adopted in relation to the surplus profits of the bank, as affected by the new subscriptions of stock, pray leave to report :

That, on the 1st January, 1838, the surplus profits of the bank, as shown in the annual statement, amounted to	-	-	-	\$100,524 90
Exclusive of a sum due for interest on notes lying over of				25,000 00

Making a surplus profit on 1st January of	-	-	-	125,524 90
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The bank statement for Wednesday, January 31, 1838, shows a further profit, accruing since 1st January, of	-	-	-	15,860 24
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And before any aid can be derived from the new subscription of stock, the profits of the bank will exceed \$66,000, and, after paying the interest on the present capital, and expenses, will leave a further profit of at least	-	-	-	18,614 86
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Making a surplus of profits, amounting to	-	-	-	\$160,000 00
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derived from the use of the present capital, and to which the old stockholders have an exclusive right. That surplus would be sixteen per cent. upon the capital; the actual surplus at this time is twelve and a half per cent.

Various plans have been suggested to do justice between the old and the new stockholders in relation to this surplus. It has been proposed that the new

holders should pay into the bank a premium upon their shares, equal to the rate of surplus profit made upon the old capital, and thus add to the fund twice its present amount.

It has also been proposed that the new stockholders should pay upon each share allotted him, a premium equal to one third of the profit made upon the old stock, said premium to be divided among the old stockholders; and the old and new stockholders to be equally interested in the surplus profits which have been made upon the old capital.

Neither of these plans objections are made; not because they would be objectionable, but because the payments would be inconvenient.

Another plan suggested is, that the old stockholders shall be allowed to subscribe new stock, to the amount of the surplus which will have accumulated before the infusion of new capital; and that these new shares shall be secured by additional mortgages upon the property already mortgaged to the bank. The existing surplus will be an additional and, of itself, ample security for the new shares; the only object in taking additional mortgages will be to comply with what might be considered the letter of the charter.

The effect of this plan will be, that, upon a future division of the profits of the bank, the old stockholders will receive the amount of profits which have been made before the infusion of new capital; and, as the surplus, in the meantime, belongs to the old stockholders at this time, it will be but reasonable that they should have the use of it until the time arrives for a division of the profits of the bank.

Our committee, therefore, respectfully recommend that, as the profits of the bank are already known to be twelve and a half per cent., and must exceed sixteen per cent. before the new capital can become available, the old stockholders be allowed to subscribe one share of new stock for every five shares of their old stock; and that these new shares be secured by a mortgage of the property already mortgaged to the bank; that a separate account of said shares be kept; and that the owners thereof be entitled to receive dividends upon them to the full amount thereof.*

The above report was submitted to the board of directors on the 5th of January, 1838, and was agreed to.

JOHN G. GAMBLE, *President.*

K.

Cash stock on the 15th of February, 1840.

	Shares.	Amount.
Stock—F. Armistead, - - -	4	\$400
Joseph McBride - - -	3	300
William Bailey - - -	2	200
Francis Eppes - - -	10	1,000
Joseph Richardson - - -	1	100
Samuel Parkhill - - -	45	4,500
	<hr/> 65 <hr/>	<hr/> 6,500 <hr/>
Stock—John G. Gamble, - - -	1,364	\$136,400

* The last recommendation, although approved, has not been adopted in practice.

Since January 1, 1840, transfers of cash stock, amounting to 114 shares, have been made ; and the shares have been converted into common bank-stock, secured by mortgage of property. The above 1,364 shares, in name of John G. Gamble, were subscribed by him, and the amount was paid into bank in May, 1838 ; the directors subsequently ordered the subscription to be cancelled ; against which order said Gamble protested. The matter is yet to be adjusted between him and the bank ; and for the adjustment, it was referred to a committee named by the late annual meeting of the stockholders. If those 1,364 shares are stricken out, there will remain only 65 shares of cash stock.

JOHN G. GAMBLE, *President.*



K.

Present list of shareholders in the Union Bank of Florida.

Names.	Residence.	Shares.	Secured on land.		Secured on slaves.		Dates of mortgages.
			Amount.	Acres.	Amount.	No. of slaves.	
Fabian Armistead	Gadsden	39	\$3,900	400		4	March 1, 1834; August 14, 1838.
Augustus Alston	Leon	146	8,400	848	\$6,900	14	December 6, 1834; June 13, 1838.
R. W. Alston	-	158	7,800	800	7,800	18	March 19, 1836; April 10, 1838.
Joseph Allen	-	2	200	80		10	March 2, 1835.
B. C. Allen	-	475	49,950	6,101	4,650	10	April 10, 1834; April 10, 1835; November 22, 1834; November 14, 1838.
D. Anderson	Walton	3	200	80		2	March 20, 1838.
A. P. Alexander	Madison	19	950	320	950	2	Three of July 19, 1838.
Wesley Adams	Jefferson	20	2,000	240		13	April 10, 1838.
B. C. Adams	Jackson	94	4,700	1,002	4,700	13	September 10, 1838; May 26, 1839.
W. I. Armistead	Gadsden	21	3,100	480		1	October 15, 1838.
Alexander Anders	-	12	800	120	400	3	May 10, 1838.
Owen E. Anders	-	19	1,000	200	900	3	May 10, 1838.
J. G. Anderson	Jefferson	156	15,600	1,200	32,800	84	February 1, 1839.
H. W. Braden	Leon	914	58,600	5,227		13	Vass, January 10, 1839; November 22, 1834; June 5, 1838; April 12, 1838; November 12, 1838; June 5, 1838; January 29, 1836.
P. A. Bradford	-	121	7,400	1,000	5,700	3	March 28, 1836; April 10, 1838; June 13, 1838; September 5, 1839.
R. H. Bradford	-	20	1,200	160	800	35	November 29, 1838.
Edward Bradford	-	354	23,300	3,252	19,100	-	April 10, 1838; March 27, 1835; April 10, 1838.
E. E. Blackburn	Jefferson	20	2,000	400		-	July 6, 1838.
Charles Barrenson	-	20	2,000	480		1	May 16, 1838.
H. B. Bradford	Leon	20	1,500	160	600	-	July 10, 1838.
W. Bains	Gadsden	20	2,000	200		-	July 23, 1839.
B. J. Baker	Jackson	59	8,200	950		-	April 14, 1836; July 24, 1838; June 26, 1838.
Thomas Batsell	Leon	20	9,000	640		-	June 30, 1838.
William Bailey	Jefferson	226	11,200	1,200	11,200	31	February 26, 1838; April 20, 1838.

Names.	Residence.	Shares.	Secured on land.		Secured on slaves.		Dates of mortgages.
			Amount.	Acres.	Amount.	No. of slaves.	
A. B. Blackwell	Calhoun	239	\$23,200	3,200	-	-	June 1, 1838; June 1, 1838; August 14, 1838; June 1, 1838; June 1, 1838.
John Branch	Leon	40	4,000	480	-	-	January 11, 1839.
L. H. Branch	-	19	1,900	240	-	-	October 29, 1838.
S. C. Bellamy	Jackson	39	3,900	345	-	-	July 17, 1839.
James B. Beard	Jefferson	13	1,300	320	-	-	April 10, 1838.
Cor. Beasley	-	20	2,000	360	-	-	October 21, 1838.
R. H. Berry	Leon	161	16,100	1,249	-	-	July 1, 1839.
Daniel Bird	Jefferson	397	35,200	3,333	\$4,500	11	March 1, 1834; December 1, 1834; April 10, 1838; April 10, 1838; April 10, 1838; May 29, 1838.
J. C. Billingsley	Leon	8	800	400	-	45	June 1, 1838.
Thomas Brown	-	500	*34,400	3,570	15,600	-	November 29, 1834; April 4, 1835; May 24, 1838; January 27, 1840; March 15, 1838.
David Brown	-	20	1,400	240	600	2	August 20, 1838.
William P. Bostwick	Gadsden	20	2,000	200	-	-	June 25, 1838.
James S. Bond	Jefferson	20	2,000	260	-	-	July 1, 1838.
John Buier, jr.	Gadsden	18	1,100	200	700	2	June 25, 1838.
Thomas M. Bush	Jackson	200	20,000	3,996	-	10	September 5, 1839.
Bruton and Zeigler	Gadsden	60.	14,000	880	4,100	-	June 2, 1838. [The mortgage intended to cover 152 shares.]
Philip Blount	-	20	2,000	490	-	-	May 10, 1838.
Jno. Broome	Madison	48	2,400	480	2,400	-	November 16, 1839.
Riding Blount	Gadsden	10	900	191	100	1	April 10, 1838.
Jno R. Chapman	Jackson	163	14,200	1,760	2,100	7	January 25, 1836; May 15, 1838.
Tom. P. Chaires	Leon	188	10,150	880	8,650	23	October 13, 1834; April 16, 1838; April 6, 1838.
D. D. Campbell	Walton	13	500	160	500	1	June 5, 1838.
W. P. Craig	Leon	640	32,000	2,560	32,000	91	January 22, 1839; August 16, 1839.
E. H. Calloway	Jackson	12	1,200	360	-	-	April 10, 1835.
Wm. Chapman and Isaac Jackson	-	12	1 200	240	-	-	February 20, 1830.

Wm. O'Connell	-	30	9,000	679	1,700	4	March 24, 1838.
Joshua Cronin	-	34	1,700	940	-	-	November 8, 1834.
John Cook	-	90	2,000	320	-	-	July 13, 1838.
Charles Cole	-	20	2,000	-	-	-	In the clerk's office.
James Coe	-	328	31,700	3,560	1,200	3	May 14, 1839; May 27, 1837; June 1, 1838.
Lucius Church	-	170	10,000	1,760	7,000	19	July 22, 1837; May 1, 1838; May 1, 1838.
George W. Daniels	-	20	1,300	160	700	2	July 20, 1838.
James W. Dabney	-	20	2,000	726	-	-	April 10, 1838. [This mortgage was designed to cover fifty-one shares.]
Ephraim Dawkins	-	15	1,500	160	-	-	September 4, 1838.
J. L. and C. Demilly	-	64	3,500	320	2,900	7	January 4, 1840.
Charles H. Dupont	-	325	17,575	1,614	14,925	42	March 10, 1835; March 1, 1834; October 16, 1834; May 22, 1837; June 1, 1838.
A. F. Duval	-	141	19,200	752	4,900	19	March 1, 1834; March 23, 1835; April 10, 1838; March 15, 1838.
James Deutan	-	19	1,900	940	-	-	September 29, 1838.
Henry Doggett	-	149	8,100	1,362	6,700	15	February 13, 1839; March 28, 1839; June 1, 1839.
James Evans	-	3	300	80	-	-	March 20, 1838.
John D. Edwards	-	323	16,550	2,750	14,750	50	May 19, 1836; December 15, 1837; June 2, 1838; August 2, 1838.
James B. Edwards	-	11	1,100	280	-	-	May 24, 1837.
Francis Eppes	-	501	25,400	3,080	15,600	46	April 10, 1839; April 10, 1836; April 10, 1838.
Jared Everett	-	20	2,000	400	-	-	September 19, 1838.
Jacob Elliott	-	29	2,000	560	-	-	July 24, 1838.
Edward Footman	-	20	2,000	500	-	-	July 3, 1838; January 20, 1840.
F. Fitzgerald	-	434	31,500	3,120	11,900	40	October 31, 1834; February 1, 1834; April 5, 1836; January 9, 1837; March 17, 1838.
Benjamin Folson	-	20	1,700	400	300	5	May 10, 1839.
Alex. J. Forrester	-	40	2,000	560	2,000	5	January 15, 1839; January 15, 1839.
John G. Gamble	-	2,028	120,300	10,740	73,540	193	February 1, 1834; May 28, 1835; November 12, 1836; June 9, 1836; February 15, 1838; February 15, 1838; March 22, 1838; March 22, 1838; February 15, 1838; March 22, 1839; March 22, 1839.
Robert Gamble	-	1,350	87,600	8,120	47,400	122	February 1, 1834; December 4, 1834; May 6, 1835; February 27, 1835; April 2, 1838; May 16, 1838; April 2, 1838.

* Of this, \$12,250 is on town property.

+ Of this sum, \$1,500 is estimated on town property.

K—Continued.

Names.	Residence.	Shares.	Secured on land.		Secured on slaves.		Dates of mortgages.
			Amount.	Acres.	Amount.	No. of slaves.	
James Gadsden	-	290	\$19,650	2,080	\$9,350	27	March 4, 1838; April 20, 1839.
Edward P. Grant	Leon	20	1,000	160	1,000	3	April 4, 1838.
P. W. Gautier, sen.	Jackson	227	13,500	1,600	9,200	31	December 25, 1834; August 23, 1838.
P. W. Gautier, jr.	Calhoun	164	10,900	1,048	5,500	18	December 29, 1834; August 23, 1838.
Benjamin W. Gause	Leon	20	2,000	330	-	-	July 10, 1838.
Octav. H. Gadsden	Jefferson	72	4,700	840	2,500	8	April 12, 1838; April 6, 1835.
A. M. Gatlin	Leon	260	13,000	1,040	13,000	45	March 4, 1838; April 2, 1838.
George Graves	Jefferson	42	4,200	800	-	-	November 21, 1838; September 8, 1838.
Henry Gee	Gadsden	181	18,100	2,660	-	-	March 8, 1834; April 21, 1838; May 30, 1838; [June 18, 1838.]
Lewis Gregory	-	14	1,400	320	-	2	April 25, 1835; December 15, 1838.
James R. Green	Leon	20	1,100	196	900	-	August 31, 1838.
Lewis Crimes	-	1	100	40	-	-	April 4, 1839.
James Gibson	Gadsden	225	11,300	1,385	11,200	28	March 3, 1834; February 1, 1838; June 1, 1838.
James M. Gilchrist	-	20	2,000	360	-	3	June 5, 1838.
Elijah Harvey	-	18	1,800	599	-	-	December 17, 1834.
William D. Harrison	Gadsden	47	3,200	602	1,500	3	March 8, 1834.
Ben. Hagan	Leon	21	1,700	240	400	1	March 25, 1835; June 7, 1838.
Robert L. Harrison	Gadsden	43	2,650	510	1,650	7	January 20, 1835; September 18, 1838.
Henry M. Hale	Leon	20	1,000	200	1,000	3	May 21, 1838.
Dennis Hankins	Madison	208	13,450	2,960	7,350	28	March 18, 1835; January 13, 1837; April 20, 1838; April 20, 1838.
Thomas L. Hall	Leon	20	2,000	300	-	-	October 31, 1838.
Benj. Hale	Leon	3	300	80	-	-	January 12, 1835.
Richard Hayward	-	264	16,850	1,400	9,550	26	June 12, 1838; June 12, 1838.
Paul H. Harley	-	20	1,000	240	1,000	4	May 10, 1838.

K--Continued.

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Names.	Residence.	Shares.	Secured on land.		Secured on slaves.		Dates of mortgages.
			Amount.	Acres.	Amount.	No. of slaves.	
Richard J. Mays	Madison	20	\$2,000	400	6,960	20	August 17, 1838.
Jesse McCall	Gadsden	128	6,500	628	13,425	41	October 1, 1838; April 5, 1834.
William Maner	-	305	17,075	1,478	6,800	17	In the hands of counsel.
James B. Mays	Madison	181	11,300	1,840	400	1	November 1, 1834.
Malcom M'Swain	Walton	10	2,200	440	-	-	June 5, 1838.
Paul de Malhesbe	Jefferson	23	2,500	120	400	1	April 7, 1835.
John M'Phaul	Gadsden	9	2,000	640	-	-	June 5, 1838.
Reuben Manning	Leon	20	2,900	160	-	-	August 20, 1838.
A. M'Phalter	Gadsden	9	2,900	480	1,800	5	June 5, 1838.
Wm. B. M'Call	-	47	2,900	400	6,300	14	April 20, 1838.
Wm. H. Mathers	Jefferson	20	7,000	960	-	-	April 10, 1838.
Banks Meacham	Gadsden	133	1,100	160	4,575	14	March 13, 1834; June 8, 1838.
John M'Lean	Walton	11	15,925	2,600	-	-	March 20, 1838.
John C. M'Gehee	Madison	205	400	80	-	-	November 12, 1834; March 15, 1838.
Daniel M'Leod	Walton	4	800	160	-	-	March 20, 1838.
Alex. M'Leod	-	8	1,000	160	500	1	March 20, 1838.
Daniel S. M'Lean	-	15	1,200	240	800	2	March 20, 1838.
Donald M'Lean	-	20	1,000	160	400	1	March 20, 1838.
John M'Elvy	Gadsden	14	1,000	320	12,275	37	April 10, 1838.
Burrell M'Bride	Jefferson	10	19,425	2,080	-	-	January 2, 1839.
Joseph M'Bride	Gadsden	247	4,400	612	9,200	26	October 13, 1834; March 4, 1836; March 7, 1834; April 20, 1838; February 3, 1838; April 10, 1838; April 10, 1838; March 3, 1838.
D. B. McBride	-	136	1,000	240	11,800	41	June 10, 1838; December 12, 1834.
Henry J. Mills	Leon	10	11,800	2,653	-	-	July 2, 1838.
John Miller	Madison	226	-	-	-	-	March 11, 1836; May 1, 1838; November 7, 1834.
James A. Miller	Leon	2	-	-	-	-	September 24, 1838.

K--Continued.

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Names.	Residence.	Shares.	Secured on land.		Secured on slaves.		Dates of mortgages.
			Amount.	Acres.	Amount.	No. of slaves.	
Gabriel Roquie	Jefferson	15	800	160	700	2	July 24, 1838.
Jacob Robinson	Jackson	175	17,500	1,840	-	-	December 4, 1834; May 21, 1838; December 12, 1838.
David Robinson	Leon	13	900	160	400	1	July 24, 1838.
John H. Rhodes	-	10	600	120	400	1	July 2, 1838.
William Rogers	Gadsden	11	1,100	160	-	-	May 10, 1838.
Joseph Russ	Jackson	114	8,400	800	3,000	6	November 28, 1834; June 9, 1838; August 8, 1838.
S. Sadbury	Gadsden	109	6,000	600	3,900	13	June 25, 1838; January 8, 1839; July 23, 1838; August 7, 1838.
Richard Saunders	Leon	10	1,000	200	-	-	July 24, 1838.
E. Saunders	-	14	1,000	200	400	1	October 30, 1838.
James W. Saunders	-	12	800	160	400	1	October 31, 1838.
Stephen Saunders	-	20	2,500	650	-	-	October 31, 1838.
Stephen W. Snell	-	20	2,000	600	-	-	July 7, 1838.
J. H. Seabrook	Gadsden	38	1,900	240	1,900	5	January 28, 1838; January 28, 1838.
N. B. Shehee	Jefferson	20	2,000	400	-	-	October 29, 1838.
John H. Shehee	Leon	20	1,050	203	950	3	July 6, 1838.
Godfrey Stephens	Gadsden	26	1,900	480	700	2	March 20, 1835.
James Stewart	Leon	18	1,100	225	700	2	March 20, 1835; July 26, 1836.
Hamlin V. Snell	Calhoun	20	1,000	160	1,000	3	November 12, 1839.
Wilkins C. Smith	Jefferson	16	1,500	380	-	-	June 29, 1838.
Peter Simmons	Jackson	45	2,700	440	1,800	4	December 8, 1834; April 10, 1838; April 10, 1838.
David Smith	Gadsden	9	900	160	-	-	April 10, 1838.
Jos. H. Sylvester	-	20	1,000	200	1,000	2	June 10, 1838; March 17, 1836.
John Smith	Gadsden	30	2,600	440	1,300	3	July 14, 1838.
John Smith	Leon	20	2,000	600	-	-	June 13, 1838.
F. J. Simpson	-	20	1,100	200	900	2	July 28, 1838.
Frederick Sisk	-	27	2,200	200	2,350	12	July 6, 1838.

Name	Lot	Acres	Value	Year	Notes
Wm. T. Wilson	134	1.34	4,300	1838	October 31, 1838.
James F. Wilson	13	1.3	4,300	1838	August 28, 1838.
Allen Townsend	71	1.71	1,000	1838	July 3, 1838.
Thos. Turnbull	90	1.9	1,000	1838	January 8, 1840; December 24, 1839.
Mary Thomas	88	1.88	1,000	1838	May 30, 1839.
Paul Ulmer	255	2.55	4,100	1834	March 1, 1834.
Edmund B. Vass	141	1.41	13,350	1838	April 9, 1838; December 5, 1834; March 1, 1838.
R. Van Brunt	20	1.2	5,400	1838	April 20, 1838; January 26, 1839; December 24, 1839.
D. H. Vinton	100	1.0	9,000	1838	May 16, 1838.
Benjamin Wym	114	1.14	5,060	1838	December 2, 1834; September 24, 1839.
Joseph B. Watts	146	1.46	11,400	1838	December 27, 1834; January 16, 1835.
George W. Ward	363	3.63	14,600	1838	February 10, 1834; June 10, 1838.
George P. Ward	323	3.23	14,000	1838	January 15, 1834; March 1, 1837; June 10, 1838; June 10, 1838.
Minor Walker	43	1.43	22,580	1838	May 10, 1838; May 10, 1838; February 1, 1838.
J. & P. B. Watson	10	1.0	4,300	1838	December 21, 1834.
H. Watkins	10	1.0	1,000	1838	July 6, 1838.
R. K. West	35	1.35	600	1838	July 19, 1838; January 15, 1835.
R. Y. Welford	20	1.2	3,500	1838	April 6, 1835.
Charles B. West	160	1.6	1,000	1838	October 17, 1838.
David C. Wilson	163	1.63	3,300	1838	August 6, 1839. [Town-lots to the amount of \$6,000 are included.]
William Wyatt	251	2.51	4,400	1838	December 1, 1834; June 15, 1838; June 15, 1838; December 19, 1839. [Town property appraised at \$15,000 is included in the security.]
John P. J. Wilson	150	1.5	7,150	1838	April 3, 1834; July 20, 1838; July 10, 1838.
Adam Wirick	20	1.2	4,850	1838	January 15, 1835; June 31, 1838; July 10, 1838; March 1, 1834.
D. L. Wilson	758	7.58	2,000	1839	January 1, 1839.
E. W. Wirt	20	1.2	29,275	1838	December 1, 1834; April 2, 1838; April 2, 1838.
W. A. J. Wright	547	5.47	46,525	1839	August 5, 1839.
Benjamin F. Whitner	20	1.2	1,100	1839	April 8, 1839; January 19, 1836; March 9, 1839; April 26, 1838; April 26, 1838.
Robert W. Williams	47	1.47	25,100	1838	October 29, 1838.
Harris J. Wyatt	371	3.71	2,000	1836	June 10, 1838; June 4, 1836.
Jesse H. Willets	5	1.5	2,700	1838	May 18, 1838; November 16, 1838; May 18, 1838.
Leland Wilkinson	16	1.6	16,450	1838	September 7, 1838.
John Wooten	45	1.45	80	1838	July 20, 1838.
Colin Woodbury	400	4.0	390	1836	July 2, 1838; November 29, 1836.
William Wood	400	4.0	1,750	1838	June 26, 1838.

Names.	Residence.	Shares.	Secured on land.		Secured on slaves.		Dates of mortgages.
			Amount.	Acres.	Amount.	No. of slaves.	
George Wyche	-	20	\$2,000	720	-	-	July 3, 1838.
John S. Wyche	-	40	4,000	800	-	-	September 20, 1839; June 26, 1838.
Andrew Young	-	36	3,600	720	-	-	December 15, 1834.
David D. Young	-	3	400	160	\$400	2	May 10, 1838.
Edward Way	-	19	950	285	950	3	December 15, 1834.

285 shareholders, secured by mortgage on 245,960 acres of land, \$1,968,800; on 2,688 slaves, \$935,700. Of the remaining 838 shares, there are 67 to be secured by additional mortgages, and forming "additional stock," to which some original stockholders are entitled when mortgages are returned; 771 shares have been transferred to the bank, to be resold, and to be secured by new mortgages. There seems to be a deficiency of five shares, but the way in which it arises is not yet discovered; if not held by some party whose name has been omitted, they must remain to be disposed of by the bank.

JOHN G. GAMBLE, President.

CORRESPONDENCE, &c.

To the Hon. the Legislative Council of Florida :

I herewith transmit to both branches of the Legislative Council copies of a letter and a resolution, received yesterday, from the Secretary of State of the United States.

ROBERT RAYMOND REID.

EXECUTIVE DEPARTMENT, *January 15, 1840.*

DEPARTMENT OF STATE,
Washington, January 3, 1840.

Sir: A resolution of the Senate, of which I enclose a copy, has, by the President, been referred to this department, with instructions that you should be directed, with all possible expedition, to furnish the information necessary to a compliance with its requirements. You will, accordingly, on the receipt of this, collect all the information called for by said resolution, and transmit it to this department at as early a day as practicable.

I am, sir, your obedient servant,

JOHN FORSYTH.

R. R. REID, Esq.,
Governor of Florida.

RESOLUTION.

In the Senate of the United States, December 30, 1839.

Resolved, That the President of the United States be requested to obtain from the constituted authorities in Florida, and to communicate to the Senate, a statement of the amount of all the Territorial bonds issued and authorized to be issued in that Territory; with copies from the journals of the Legislative Council, showing every thing that was done in authorizing the issue of such bonds, with the names of the members of the Council at the time, and their votes in each case; the names of the Governors who may have approved laws for the issuing of Territorial bonds, or who may have signed or endorsed the said bonds; also, the purposes for which such bonds were issued; and, when issued in favor of corporations, the names of the corporations, and of the corporators and their officers, and the use made of said bonds; and the present value of said bonds in the American and European markets, with the condition of the corporations which have had the use of said bonds, and how far they are fulfilling the purposes for which they were created; also, a statement of all the acts of incorporation which have been passed by the said Legislative Council of Florida, since the third day of March, 1823, and the acts in amendment thereof; and when and how the said acts were reported to the President of the United States, to be laid before Congress.

Attest :

ASBURY DICKINS, *Secretary.*

RESOLUTION OF THE COUNCIL.

In the House of Representatives of the Legislative Council of the Territory of Florida, January 18, 1840 :

Resolved, That the Committee on Banks be instructed to obtain, in pursuance of the resolution of the Senate of the United States, such information as is not matter of record in the Executive office ; and that said committee be authorized, if necessary, to send for persons and papers, to administer oaths, to take the testimony of witnesses, and be also allowed to employ a clerk or clerks while engaged in such duty : and that they be instructed, particularly to inquire and report the names of the corporators of the Bank of Pensacola, of the Union Bank of Florida, and of the Southern Life Insurance and Trust Company, and their officers, and the use made of said bonds, and the present value of said bonds in the American and European markets, with the condition of the said corporations, and how far they are fulfilling the purposes for which they were created.

COUNCIL ROOM, TALLAHASSEE,
January 20, 1840.

SIR : The House of Representatives of the Legislative Council of the Territory of Florida, has adopted the enclosed resolution. Referring to the resolution, the committee inform the president of the Union Bank that they are now in readiness to enter upon the discharge of the duties imposed upon them ; and request, by an early reply, to be informed at what time the required investigation, so far as concerns your institution, can be made with most convenience to its directors and officers. A resolution of the Senate of the United States, communicated to the House of Representatives of the Legislative Council of the Territory of Florida, respecting the corporate moneyed institutions of Florida, is also herewith enclosed.

I have the honor to be your obedient servant,

E. E. BLACKBURN,
Chairman Com. Banks.

J. G. GAMBLE,
President Union Bank, Tallahassee.

UNION BANK OF FLORIDA,
January 21, 1840.

SIR : I have this moment received your note of the 20th instant, enclosing copies of resolutions of the Senate of the United States, dated 30th December, 1839 ; and resolutions, upon the same subject, adopted by the House of Representatives of the Territory of Florida, on the 18th instant, and requesting, "by an early reply, to be informed at what time the required investigation, so far as concerns this institution, can be made with most convenience to its directors and officers." The weekly meeting of the board of directors will be on to-morrow ; but I am not aware of any objection to entering upon the inquiry at any time most convenient to the committee. I take the liberty of requesting that you will state in a letter the particular

information required by the committee, in order to its being prepared for use, without delay.

I have the honor to be your obedient servant,

JOHN G. GAMBLE, *President.*

E. BLACKBURN, Esq.,

Chairman Committee of Banks.

COMMITTEE ROOM, *January 22, 1840.*

Sir: In reply to your inquiry as to the specific items of information which the bank committee have been instructed to procure, I have the honor to refer you to the resolution, enclosed to you on Monday, adding, the principal point toward which inquiry will be directed, is the conduct of the banks, and how they are fulfilling the purposes for which they were created. In order to do this, the committee deem it their duty to examine into the mode of doing business which the banks have pursued, and to make a general inquiry into the state of their affairs. Not being familiar with the details of banking business, they find it impossible, at this stage, to state, specifically, the course it may be necessary to pursue; but I am pleased to assure you, that nothing will be required that they do not deem essential to a faithful performance of the task imposed upon them. Learning from you that this matter would be submitted to the board, to whose action you were anxious to defer, the committee would prefer wait their decision before proceeding with the investigation.

I have the honor to be your obedient servant,

E. E. BLACKBURN,

Chairman Committee on Banks.

JOHN G. GAMBLE, Esq.,

President Union Bank of Florida.

UNION BANK OF FLORIDA, *January 22, 1840.*

Sir: You misunderstood my letter of yesterday, in supposing that I was anxious to refer yours of the 20th instant to the consideration of the board of directors, before any action by your committee. I was willing that the inquiry should be entered upon at any time most convenient to the bank committee; but as this was regular board day, I placed your two letters, and the two accompanying resolutions, before the directors; who thereupon "ordered, that the officers of this bank be directed to afford to the committee every facility in the examination to be made." Your committee will therefore select the time which best suits its convenience.

Very respectfully, your obedient servant,

JOHN G. GAMBLE, *President.*

E. E. BLACKBURN, Esq.,

Chairman of Committee on Banks.

HOUSE OF REPRESENTATIVES, *January 23, 1840*

SIR: Having received your note of yesterday, I have the honor to inform you that the committee of the House of Representatives will attend the banking house of the Union Bank this afternoon, at half past 3 o'clock, to enter upon the investigation which they have been instructed to make.

Respectfully, yours, &c.,

E. E. BLACKBURN, *Chair. C.*

JOHN G. GAMBLE,

President of the Union Bank of Florida.

Memorandum from the Bank Committee—communicated to the House of Representatives, February 24th.

1. Amount of Territorial bonds received by the Union Bank.
2. The dates of such bonds; when received by the bank; and the names of the Governors signing them. If a copy of the sets of bonds issued be had, obtain it.
3. What amount of those bonds have been disposed of; the time and place of disposition of each amount, and place; to whom the disposition was made and by whom; at what price, in what funds, and where was payment to be made; and where made, at what times, stating the contracts precisely and specifically.
4. Have the terms of the sale of these bonds been complied with by the purchasers? if not, state the omissions.
5. What amount of bonds is unsold; in whose hands are they; and what directions as to their disposition; are any pledged or hypothecated, or has money been obtained on them in any other manner than by sale at par? and if so, state particulars.
6. Who has been the agent for the sale of the bonds; and what instructions were given him?
7. Has the interest upon the bonds sold been paid by the bank; if so, in what funds, and when?
8. Have any of such bonds been exchanged for other bonds in market?
9. What is the present value of said bonds in the American market; and what in the European market?

[N. B.—The foregoing is answered, in part, by letter of 25th January, 1840, Doc. C.]

QUESTIONS PROPOSED TO THE BANK.

No. 1.—Memorandum of inquiries, 25th January, 1840—original in the stock.

1. Name of subscribers. 2. Residence. 3. Date of subscription. 4. Place where subscribed. 5. Name of commissioners who received the subscription. 6. Number of shares subscribed by each subscriber. 7. Redemption made at the final allotment. 8. By whom was the allotment made. 9. Amount of credit or loan extended to each stockholder upon his stock.

No. 2.—Memorandum of inquiries, 25th January, 1840—new stock.

1. Name of subscribers. 2. Residence. 3. Date of subscription. 4. Place where subscribed. 5. By whom was the subscription received. 6. Number of shares subscribed by each subscriber. 7. Reduction made at the final allotment. 8. By whom was the allotment made. 9. Amount of stock allotted. 10. Amount of old stock held by each new subscriber. 11. Amount of credit or loan extended to each stockholder upon his stock.

No. 3.—Memorandum of inquiries, 25th January, 1840—condition of the present stockholders upon mortgage.

1. Names of stockholders. 2. Residence. 3. Date of becoming stockholders. 4. Amount secured by mortgage. 5. Date of mortgage. 6. Statement of the personal property mortgaged by each stockholder; slaves; other property. 7. Statement of real estate mortgaged by each stockholder; and; where situated, county, section, and range; character of the title of land; when obtained. 8. Amount loaned upon stock to each stockholder. 9. Amount of discounts or loans extended to each stockholder on securities. 10. Stock—how obtained; how much new stock; how old; if acquired since the books were closed; by whom was the stock made. 11. Amount due of principal by each stockholder. 12. Interest—amount of interest paid; how paid; amount of interest due by each stockholder, and unpaid.

No. 4.—Memorandum of inquiries, 25th January, 1840—present condition of cash stockholders.

1. Names of subscribers. 2. Residence. 3. Date of subscription. 4. Place where subscribed. 5. By whom received. 6. Amount; how paid; what funds; when. 7. What loan has been made to each individual upon his stock. 8. What security does the bank hold for such loans. 9. If transferred, by whom was transfer made.

Further inquiries respecting the bonds issued to the Union Bank—proposed 28th January, 1840.

First. At what date were the bonds received by the bank?

Second. A copy is required of the contracts entered into by the bank, with each of the parties to whom bonds were sold, to establish—

1. The actual price at which the sales were made.
2. The nature of the funds given in payment.
3. Where the payment was to be made, and where made.
4. The date of the negotiation or sale, and the day on which the cash was paid, or the paper taken in lieu thereof came to maturity; and where such paper was made payable.
5. In what manner exchange, or letters of credit, received in payment of Territorial bonds (if any) were disposed of.
6. Nature of the debt due to the United States Bank of Pennsylvania, of \$533,333 33; when contracted; how contracted; when payable; and where payable.

7. What instructions have been given to the holders of the bonds now unsold, in regard to their disposition.

8. The nearest possible approximation to the present value of the Territorial bonds of Florida in the European and American markets, which the president and directors of the Union Bank can give.

9. What was the value, in market, of the 28 bonds of the State of Louisiana, received in exchange for Florida bonds.

10. What was the description of Florida and Louisiana money, received in exchange at par for 30 bonds.

11. Upon what conditions were 720 bonds hypothecated to a house in London for the payment of a debt due by the Union Bank to the United States Bank of Pennsylvania.

[N. B.—The letter 12th February (Doc. F.) is in reply to the foregoing.]

COMMITTEE ROOM, *February 19, 1840.*

SIR: I have the honor to enclose you a letter addressed to the president and directors of your bank, and copy of a resolution of the House of Representatives of the Legislative Council, adopted yesterday, with a request that the same be laid before your board at its session this day, and that you will favor me with an early reply.

I have the honor to be, your very obedient,

E. E. BLACKBURN,
Chairman Committee on Banks.

JOHN G. GAMBLE, Esq.,
President Union Bank of Florida.

HOUSE OF REPRESENTATIVES, *February 18, 1840.*

The accompanying resolution was adopted by the House on to-day.

Attest :

JAMES H. GIBSON, *Clerk.*

Resolution of House of Representatives of Legislative Council of Territory of Florida, adopted 18th February, 1840.

Resolved, That the Committee on Banks be instructed to obtain from the directors of the Union Bank of Florida the report of the board of directors for the year 1839, made on the second Monday of this month, to the annual meeting of the stockholders of said institution ; and, also, the report of the investigating committee of the stockholders, make to the meeting at the same time, together with the exhibit accompanying the latter ; and that they report all of said documents to the House at their earliest possible convenience.

COMMITTEE ROOM, *February 19, 1840.*

GENTLEMEN: The resolutions of the Senate of the United States respecting Territorial bonds and corporations, which led to the present inves-

tion of the banks of the Territory, require from the constituted authority of Florida a statement of the "condition of the corporations which have the use of the said bonds."

In the report made by the Union Bank of Florida to the Legislature, dated January 1, 1840, are the following amounts set down, without further explanation :

Stock notes discounted	-	-	-	-	\$1,818,540 21
Stock notes in suit	-	-	-	-	12,102 00
Notes and bonds discounted	-	-	-	-	1,253,058 16
Notes and bonds in suit	-	-	-	-	164,679 69
Bills of exchange maturing	-	-	-	-	62,068 09
Bills of exchange returned protested	-	-	-	-	151,747 27
Bills of exchange in suit in New Orleans	-	-	-	-	21,778 57

As the aggregate of these amounts considerably exceeds the entire capital of the bank, and it may be impossible to arrive at any conclusion respecting its present condition upon the statement thus furnished, I have to request that you will direct the officers of the bank to furnish this committee with a list of all bonds, notes, and bills of exchange, included in the above, with the names of the parties respectively, who are security for the payment, as promisers, endorsers, drawers, and accepters; also, the dates and time of maturity.

I have the honor to be, gentlemen, your obedient servant,

E. E. BLACKBURN,
Chairman Committee on Banks.

The PRESIDENT and DIRECTORS
Of the Union Bank of Florida.

UNION BANK OF FLORIDA,
February 20, 1840.

Sir: Your letter of yesterday was submitted to the board of directors. In it, you say that in the statement of the condition of the bank, dated 1st January, 1840, are the following amounts set down without further explanation:

"Stock notes discounted	-	-	-	-	-	1,818,540 21
Do. do. in suit	-	-	-	-	-	12,102 00
Notes and bonds discounted	-	-	-	-	-	1,253,058 16
Do. do. in suit	-	-	-	-	-	164,679 69
Bills of exchange maturing	-	-	-	-	-	62,068 08
Do. do. returned protested	-	-	-	-	-	151,747 27
Do. do. in suit, New Orleans	-	-	-	-	-	21,778 57

"As the aggregate of these amounts considerably exceed the entire capital of the bank, and it may be impossible to arrive at any conclusion respecting its present condition upon the statement thus furnished, I have to request that you will direct the officers of the bank to furnish the committee with a list of all the bonds, notes, and bills of exchange, included in the above, with the names of the parties, respectively, who are security for their payment, as promisers, endorsers, drawers, and accepters; also, the dates and time of maturity."

I am instructed to say, in reply, that there never has been, or probably never will be, a statement of the condition of a bank, or of any other stock company, in which the aggregate, either of assets or liabilities not exceed the capital of the bank or company. The items named form a part of the assets of this bank; and the only, yet simple process which you can "arrive at any conclusion respecting its present condition, by comparing the assets with the liabilities, and by striking a balance between the debtor and creditor sides of the account. This you can do by the rule of simple subtraction. The work would not be aided by a list of bonds, notes, and bills of exchange, or by the names of promisors, endorsers, accepters, &c.

In reply to the resolution of the House of Representatives, dated instant, a copy whereof was enclosed in your letter, I am instructed to say that the two reports therein named, were made to, and for the information of, the stockholders and partners in the bank. They relate to their partnership interest, and were not intended for publication. The only portion of the report of the directors in which the public can have any interest is that which relates to the suspension of specie payments; and that portion of the report has been published. A printed copy will be furnished, if desired by the committee.

The only part of the other report in which the public or the Legislature are interested, is that in which the committee pronounce the bank to be in a sound condition."

Neither the stockholders nor the directors have deemed those reports proper subjects for publication; and I am instructed to say that the bank respectfully declines obedience to the terms of the resolution.

I have the honor to be your obedient servant,

JOHN G. GAMBLE, *President*

E. E. BLAKBURN, Esq., *Chairman*.

UNION BANK OF FLORIDA,

February 18, 1840

SIR: The clerk of the committee has pointed out a variance between the statement of this bank, dated 1st January, 1840, and that in my report of 25th ultimo, on the subject of sales of territorial bonds.

The item in the statement was an error of the clerk of the bank and reads:

"Territorial bonds disposed of by John G. Gamble, agent, \$547,500

Whereas the entry should have been:

200 bonds sold by the agent	-	-	-	-	-	\$20
And loans obtained by the agent upon pledge of, and anticipation of, sales of stock	-	-	-	-	-	34

54

The loans were obtained from the agents of a London and a Bank house. But those houses were unable to negotiate a sale of the pledged bonds. I repaid the amount borrowed, and redeemed the bonds. My explanations will establish the statement in my letter.

You will herewith receive three large sheets, supplying information in relation to the stock, or shares, as they stand on the books of the bank. They present the names and residence of stockholders; number of shares owned by each; amount secured by mortgage of land; number of acres; amount secured by mortgage of slaves; number of slaves; total amount secured by each stockholders; number of shares of cash stock; dates of mortgages.

The memorandum at the end of the list states that there remain 838 acres, for which mortgages are not in the bank. Of these, 67 shares will become the property of some old stockholders, as "additional stock," whenever the necessary mortgages shall have been produced. They have been delayed by deaths, and other causes presenting claims for indulgence.

76 shares have recently been transferred to the bank by a most worthy gentleman, whose death is hourly expected. These shares will be transferred to another party (with whom a bargain had been made by the late owner), as soon as the required mortgages shall have been presented.

The remaining 695 shares belong to the bank; some of these are connected for by individuals, and will be transferred to them when the necessary papers are produced. Others will soon be sold and become private property. And it is probable that others may be retained by the bank, and be secured by mortgage of property which the bank has received in liquidation of some debts of doubtful character. This measure has not yet been decided upon by the board, but it is recommended by a prudent regard for the interest of the bank. It will add greater value to the property; and the increasing value of the shares, by accumulations of the sinking fund, will convert what has been a doubtful debt into a safe and profitable investment. It had become necessary for the bank to purchase the shares of which I have been speaking, because of objections made to the capacity of their late owner (Judge Randall) to adjudicate cases in which the bank is a party. The bank sells these shares for the price of their cost.

The table furnished, when condensed, shows:

245,960 acres, mortgaged to secure	-	-	-	\$1,968,800
2,682 slaves, mortgaged to secure	-	-	-	935,700
133 shares secured by payment of money	-	-	-	13,300
				<u>\$2,917,800*</u>

In your several memoranda of inquiries, numbered, these questions are asked, and answers required, viz:

The amount loaned upon stock to each stockholder?

The amount of discount on loans extended to each stockholder upon other securities?

The 18th section of the charter of the bank contains these words: "Provided that said committee shall not have a right to examine the individual accounts of the customers of the bank." To this clause I had occasion to refer you in my letter of the 29th ultimo, and I have now to repeat that there is neither in the committee the *right to ask*, nor in this bank the *right to give*, the information required.

* The memorandum at bottom of table will show 838 shares yet to be secured.

But it seems to me that every needful object of the committee may be attained without a violation of the charter.

The committee know that, by the charter, stockholders can, with the assent of the directors, claim discount upon their stock, to the extent of two-thirds of their stock; and such discounts may be obtained to the extent of two millions of dollars.

The aggregate amount of discounts and loans of every kind

to stockholders, is	-	-	-	-	\$2,356,1
The amount of loans upon stock is	-	-	-	-	1,841,1

Showing amount lent to stockholders on other security	-	<u>\$514,953</u>
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The number of stockholders is less than four hundred, and one hundred and sixty are owners of less than fifty shares; and of these about one hundred and sixty have less than thirty shares each. And yet, this large number of small stockholders comprises a large number of the most substantial and wealthy planters in the Territory. It is to such stockholders that the amount of the above \$514,953 has been loaned.

It would be absurd to say that the amount of this stock should be a measure of the loan which may be extended to stockholders. Such a rule would place the credit of a man worth fifty thousand dollars, and owning only twenty shares, upon a par with one owning the same number of shares, which might constitute his whole property.

Neither this nor any other bank can adopt so absurd a rule. The rule adopted is that of common sense. The stockholder, without asking the directors, may obtain a discount of two-thirds the amount of his stock; if he wants more, he must give other security, like a party who is not a stockholder.

I have the honor to be your obedient servant,

JOHN G. GAMBLE, *President*

E. E. BLACKBURN, Esq., *Chairman*.

COMMITTEE ROOM, *February 1, 1861*

SIR: By the 19th section of the charter of the Union Bank, it is provided, that "no director, except the president, shall be entitled to any salary or pay for his services;" and again, "if, after his election and appointment, any director shall fail, he shall be incapable of any longer discharging his office, and another shall be elected in his place in the manner prescribed in the 16th section of this act," &c.

It has been stated that the directors receive three dollars per diem for some other pay, when they attend on the service of the bank.

It has been also stated, that several of the directors, in past years, failed to pay their liabilities to the bank, when due, as makers, endorser and acceptors; and have not only been protested, but, after long delay under protest, have been sued, and yet have been suffered to remain as directors.

Will you answer whether these statements, or either of them, are true or not? and, if not precisely correct, what are the facts?

Yours, &c.,

E. E. BLACKBURN, *Chairman*

J. G. GAMBLE, Esq., *President*.

UNION BANK OF FLORIDA, *February 21, 1840.*

Sir: In yours of this date, I am referred to the 19th section of the charter of this bank, which provides that "no director, except the president, shall be entitled to any emolument or pay for his services." And again, "if, after his election or appointment, any director shall fail, he shall be incapable of any longer holding his office, and another shall be elected in his place," &c. And you proceed to say: "it has been stated that the directors receive three dollars per diem, or some other sum, when they attend on the business of the bank. It has also been stated that several of the directors, in past years, have failed to pay their liabilities to the bank, when due, as makers, endorsers, or acceptors; and some have not only been protested, but after long laying under protest, have been sued, and yet have been suffered to remain in office as directors." And you request that I "will answer whether those statements, or either of them, are correct or not; and if not precisely correct, what are the facts."

Before proceeding to answer your inquiries, I may be permitted to suggest, that it might not have been amiss to have informed me whence the committee had obtained the information upon which your letter is founded; for, if the ear of the committee is open to receive and accredit every whisper of accusation which may be prompted by love of mischief, or by party feeling, you may be kept employed in writing letters of inquiry, and I in answering them, till doomsday.

To the inquiry touching the "pay and emoluments" of the directors, I answer, that they have received none.

Several of the directors have resided, and others now reside, at a considerable distance from Tallahassee. They are often placed on committees, which require several days' attendance at the bank; an attendance which is a heavy tax upon the time and upon the purse of the director. In consideration whereof, the stockholders, who are alone interested in the matter, did, in general meeting, on the 2d February, 1836, "Resolve, That the travelling expenses of the directors of the Union Bank of Florida, who reside out of the city of Tallahassee, be allowed to said directors, for their attendance on the duties of the bank; the expenses not to exceed three dollars per diem." In virtue of which resolution, the directors who reside in the country have had their expenses paid; but no director, residing in town or country, has received any "emolument, or pay, for his services."

To the second accusation which your letter imports, I answer, that the term "fail," used in the charter to denote a disqualification for office, on the part of a director, unaccompanied as it is by any specific definition, is to be taken in its legal signification; for which, reference must be had to the source whence our common law terms are derived. The term is found in bankrupt laws; and is only applicable to persons who are subject to such laws. In England, it is applied only to persons engaged in trade, and to certain professions or pursuits in life. The bankrupt law, which once existed in the United States, applied only to merchants and traders; and every attempt to extend it to the farmers and planters of our country "failed." The term, both in its legal and common acceptation, means a failure in the trade, profession, or occupation, of the party. And however it may be doubted, whether it would attach to a merchant and trader, from the mere failure to pay punctually his note or his acceptance, no doubt can exist of its inapplicability to a planter, who may let his note lie over. And if a want

of punctuality in payment of debts be deemed a *failure*, then are the individuals or corporations, in the whole southern country, who have failed; and among them nearly all the banks between New York and Orleans.

In further answer, I proceed to say, that all of the directors of the bank are planters. That many of them may have suffered notes, of which they were payers, to lie over (perhaps be protested) for a short time; and that because of their absence, sometimes for want of notice, and sometimes for want of funds with which to pay. But, on examination of the list of cases, I can find no case, in which, as stated in your letter, "they have been protested, but, after long laying under protest, have been a failure." I cannot find a case in which it has been necessary to sue a director for a debt of his own. The only cases in which their names appear as defendants, in suits instituted by the bank, are cases of endorsement. In many of those cases the suits have been instituted at the instance of the directors, who are the endorsers, for the purpose of compelling payment to be made by the real debtor of the bank.

Yours, respectfully,

JOHN G. GAMBLE, *President*

E. E. BLACKBURN, Esq., *Chairman*.

UNION BANK OF FLORIDA, *February 21,*

SIR: From the very detailed manner in which the committee have examined the mortgages held by this bank to secure its stock, I am relieved of their anxiety lest the Territory may sustain a possible loss, in consequence of the issue of her bonds to the bank. I may presume, therefore, that the following remarks upon that subject will not be unacceptable.

The Territory is protected from any possibility of loss or injury by a three-fold security.

1st. The capital of the bank, obtained by a sale of the Territory, is a security. This must, of itself, be a sufficient security, unless, by the worst of management, the capital shall be lost in bad debts. Against any great loss by such debts, the institution is guarded by the charter, which virtually requires that at least two thirds of the capital will be loaned upon security of property worth at least twice the amount for which it is pledged; and, by provisions of the charter, any further loans which may be made to others are made secure, under the mortgages given. Not more than one third of the loans of the bank, therefore, can be made under circumstances which can involve any risk. And it may safely be said, that apprehension of a loss which might impair the capital, is less to be entertained in this than in any other bank.

2d. A second security is supplied in the 23d section of the charter, which directs that the profits of the bank shall be retained until, by accumulation, they shall equal the amount of bonds which the bank may have sold from the Territory. In this respect, the charter of this bank differs from the charters of banks in Louisiana, which are founded upon similar principles. The Louisiana banks are authorized to distribute among the stockholders, after their surplus fund shall have amounted to one fourth of the bonds they may have sold. But, by the charter of this bank, no distribution of profits can be made, until, by accumulation, they are equal to the

amount of Territorial bonds received; nor can the future profits be then divided, unless by permission of the Legislature; and one half of the profits to be thus distributed, will be paid to the Territory or State of Florida.

An annual surplus profit of two per cent. (which is less than the difference of the interest paid upon the Territorial bonds, and that which the bank receives upon its discounts) would double the capital of the bank in less than twenty-one years. But experience has shown that the surplus profit will not be less than an annual average of four per cent., which will supply a fund equal to all the Territorial bonds, in fourteen years. Indeed, the present surplus of \$330,962 (without any future annual additions) would, as a sinking fund, pay off all the Territorial bonds in twenty eight years; and, if the future annual surplus shall equal four per cent., the sinking fund will effect its object on or before the 1st January, 1851.

To make assurance *trebly* sure, the payment of the Territorial bonds is further secured by mortgages of property of the stockholders; and it may be safely said, that the property mortgaged would sell for more than twice the amount for which it is mortgaged.

Very respectfully,

JOHN G. GAMBLE, *President.*

E. E. BLACKBURN, Esq., *Chairman.*

UNION BANK OF FLORIDA, February 21, 1840.

SIR: Your clerk has handed me the following inquiries, viz:

"Inquire into the cotton transactions of the bank this year.

"Amount of interest received in each year.

"Amount of ditto paid in each year.

"The expense amount of each year.

"In what manner has the amount of specie been diminished since January 1?

"How much interest is due from stockholders?

"Have they ever written off any bad debts, or doubtful?

"Minutes of the board which raised the appraisement of stock, and altered new stock."

Not knowing the nature of the information wished as to the cotton transactions of the bank, I must only say that they are:

Advances made upon cotton, which has been placed under the control of the bank; and

Purchases of cotton, for the purpose of remittances to meet the engagements of the bank.

Interest received in each year:

1835, \$125,028 24

1836, 114,703 49

1837, 94,012 67

1838, 201,335 69

1839, 226,122 25

These items include the premiums on exchange, as well as the interest received in each year.

Interest paid by the bank in each year:

1835, \$51,841 02

1836, 60,030 00

1837, 60,932 36

1838, 63,949 93

1839, 169,270 70.

of 3,273 65.

This year there was a loss on exchange

Expenses of each year :

1835,	\$21,286 73
1836,	19,610 82
1837,	20,528 57
1838,	26,568 33
1839,	28,066 00

The amount of specie has been diminished since January 1, 1840

By payment to depositors of specie ;

By loans of specie in cases where specie has been demanded upon
 (conditions ; the borrowers giving security for its return.

The interest due upon stock-notes lying over, is - - -

If those notes were now renewed for another year, as they soon
 will be, the interest to be received by the bank, in addition to
 the above, will exceed - - - - -

Making - - - - -

We have written off debts amounting to \$51,400.

The minutes of the board of directors, which raised the appraise
 lands, have been furnished.

Your obedient servant,

JOHN G. GAMBLE, *Pres*

E. E. BLACKBURN, Esq., *Chairman*.

Questions to the President of the Union Bank, February 24, 1840

What amount of bills had the bank in circulation on the 12th F
 1840 ?

Explanation as to real estate in Jackson county ; do. of property
 in Richmond, Virginia.

We understand you to say that certain individuals received lar
 on long time, who were not stockholders. Please explain this item

Also, that Judge Randal had sold his stock to the bank, but was
 led to retain a part of the money previously loaned on said stock
 explanation here.

Give the committee a full statement of all cotton transactions
 November, 1839.

Do we understand you as positively refusing the committee the
 of the directors and stockholders ?

E. E. BLACKBURN, *Chai*

UNION BANK OF FLORIDA
 Tallahassee, February 22,

SIR : In reply to your inquiry about the real estate mentioned in
 annual report of this bank, I have to state, that it consists of :

The banking house and lot occupied by the bank in this city ;

Eight hundred and sixty acres of land in Jackson county, and
 houses and lots in the city of St. Joseph, which were taken by t
 in payment of bad and doubtful debts ;

The item of real estate, stated to be in Richmond, Virginia, is not real estate belonging to the bank, but is a mortgage on property to secure the amount of a debt due there.

In answer to your inquiry about the cotton transactions of the bank, I refer you to my letter of the 21st instant.

In answer to another inquiry, I have to state, that there were two cases of parties who had received transfer of stock from old stockholders; which transfers the board of directors had subsequently ordered to be rescinded. The right to rescind was questioned; and the matter was settled by an agreement to lend the parties the amount to which, as stockholders, they would have been entitled, for a term of eight years (if so long a time should be asked); the loan to be secured by mortgage of the property upon which the stock was before secured.

The circulation of this bank, on the 12th instant, was \$546,051. In further answer to a question growing out of information contained in my letter of the 18th instant, I have to say, that, in purchasing the shares of Judge Randall, the bank agreed to let him retain a part of the amount which he borrowed upon them, upon giving a mortgage on the property which had previously been mortgaged to the bank. Thus placing the Judge upon a footing with other customers of the bank who are not stockholders.

You ask: "Do we understand you as positively refusing the committee the accounts of the directors and stockholders?" The answer is, Yes! We do not think the committee has the right to ask, or the board to give, the information.

Very respectfully,

JOHN G. GAMBLE, *President.*

Affidavit of John G. Gamble, Esquire.

TALLAHASSEE, *February 24, 1840.*

I, John G. Gamble, president of the Union Bank of Florida, at the request of the chairman of the committee of banks, appointed by the House Representatives of the Legislative Council of the Territory of Florida, swear that the several statements which I have furnished to said committee, and to which I have subscribed my name, are true, according to the best of my knowledge and belief.

JOHN G. GAMBLE, *President.*

Sworn to and subscribed before me, this 24th day of February, 1840.

E. E. BLACKBURN, *Chairman.*

General statement of bonds of the Territory of Florida issued to the Union Bank.

1 Amount of bonds issued.	2 Date.	3 When received by the bank.	4 Name of Governor signing them.	5 Amount disposed of.	6 At what time.	7 Place.	8 By whom.
360 bonds, or \$360,000	April 16, 1834	April 16, 1834	W. P. Duval	360, or \$360,000	September, 1834	New York	J. G. G.
640 bonds, or 640,000	Jan. 31, 1835	Feb. 10, 1835	John H. Eaton	640, or 640,000	September, 1834	New York	Do.
9,000 bonds, or 9,000,000	Jan. 1, 1838	March 8, 1838	R. K. Call	100, or 100,000 200, or 200,000 950, or 950,000	Sept. 24, 1838 July 12, 1838 Feb. 91, 1839	Amsterdam New York London	Do. Do. Do.
				46, or 46,000	{ From Feb. 21 to Sept. 13, 1839. }	-	Do.

9 To whom.	10 At what price.	11 What funds.	12 Where payment agreed to be made.	13 Where made.	14 When made.
{ Prime, Ward, & King, J. D. Beers & Co., J. L. & S. Joseph, New York; and Thos. Biddle & Co., Philadelphia. Hope & Co. American Life and Trust Company Palmers, McKillop, Dent, & Co.	500 at 1 per cent. premium 500 at 1 1/2 per cent. premium 100 at 3 per cent. discount 201 at 8 per cent. discount 950 at 9 per cent. discount	{ Par funds where sold. Par or cash funds - Par or cash funds - Par or cash funds -	At the place of sale. - - -	Made as agreed - - -	{ In monthly in- statements of \$100,000 each. }
Other parties, in small amounts	{ 30 at par 15 at 10 per cent. discount }	Florida and Louisiana.			

The sale to Palmers, McKillop, Dent, & Co., was payable: 30 per cent. on 1st March; 20 per cent. on 15th March; 20 per cent. on 15th April; 30 per cent. on 15th May, 1839. The remainder appears to have been paid in cash at time of sale.

under the act of 1839, the above

GENERAL STATEMENT—Continued.

16 Amount of bonds un- sold.	16 By whom held.	17 With what in- structions.	18 What is the present value.	19 Place of payment by endorsement on bonds, and time of payment.
-	-	-	-	1,000, payable at the Phoenix Bank, New York.
-	-	-	-	100, payable at Hope & Co's. office, Amsterdam.
-	-	-	-	200, payable at American Loan and Trust Comp'y, N. York
704 bonds, or \$704,000	Palmers, McKillop, Dent, & Co.	To sell at 95, allowing 2 per cent. commis- sion; but sub- sequently au- thorized to sell under limits.	This question cannot be di- rectly answer- ed at the pre- sent moment.	1,700, payable at the office of Palmers, McKillop, Dent, & Co., London.
				<i>When payable.</i> 250 bonds are payable on 1st January, 1858. 250 bonds are payable on 1st January, 1860. 750 bonds are payable on 1st January, 1862. 750 bonds are payable on 1st January, 1864. 500 bonds are payable on 1st January, 1866. 500 bonds are payable on 1st January, 1868.

SUPPLEMENTAL REPORT OF THE COMMITTEE ON BANKS.

House of Representatives of the Legislative Council of Florida—Monday, March 2, 1840.

Mr. Blackburn, chairman of the Committee on Banks, made the following report, to wit :

The termination of the session of the Legislature having brought their labors to a close, the committee beg leave to report : That the time devoted to the investigation of the Union Bank of Florida has precluded them from making an inquiry into the condition of the Bank of Pensacola, farther than to consider the statement prepared by the bank on the 31st December last, and submitted to the Legislature.

Judging from the difference between the actual condition of the Union Bank and the report made by it to the Legislature, the committee cannot judge, from the report of the Bank of Pensacola, of its real condition. They understand that the railroad project, with the profits of which the bank intended to pay the interest on the bonds sold abroad, has completely failed, and that claims may possibly soon be made upon the Territory for payment of the interest upon the bonds themselves hereafter.

The committee would remark, that they cannot learn that the bank has obtained the payment of its bills in specie ; though a passage in the message of his excellency the Governor, transmitted to the house on the 13th January ultimo conveys an idea that the engagements of the bank are amply met.

Want of time has also prevented the committee from investigating the condition of the Southern Life Insurance and Trust Company, except so far as to obtain a return of the position of the agency in Tallahassee, which accompanies this report. As this agency has been but two months in operation, this return gives no insight into the general affairs of the institution, upon which the committee, having no information except the report made by the president of the bank to the Legislature, dated on the first January last, declines making any declaration of opinion.

The deep interest generally felt by the people of Florida on the subject of the banking institutions of the Territory, will, it is hoped, prevail with the commissioners to be appointed by the Executive, and induce a thorough investigation of the Pensacola and Southern Life Insurance and Trust Company Banks, as well as of all other banks, whether in operation at present or not, which have already, by public and flagrant fraud, brought loss and ruin upon various portions of our community, and which may be revived to become the instruments of still greater mischief.

In regard to the Union Bank, the investigation should not be considered as completed by the report already made by this committee. Many inquiries necessary for the safety of the people of Florida could properly be made by commissioners appointed by the Executive.

There is a subject to which the attention of these commissioners should be particularly directed, namely, the reason why, while many individuals, offering abundant security, were *scanted* down in the distribution of new shares in 1838, several others received a larger number of shares than they subscribed. One of them, subscribing 1,000 shares, was allotted 1,302, and upon them was authorized by the charter of the bank to draw \$20 33 above the amount for which his name stands recorded on the list of subscribers for new stock.

Since making the aforesaid report, the committee addressed a letter to the president of the bank, of which a copy is annexed, asking for information in regard to the Bank of Florida, and the Central Bank of Florida of which institutions have been bought up by the Union Bank. His answer is annexed. Since its first report, also, the committee have had reference to the files and records of the Executive office, and find that the information given by the president of the bank as to the names of the first directors of the Union Bank was erroneous in naming Joseph McBride as one of the first directors; and that John W. Campbell, of Jackson, and Joseph Keyser, of Escambia county, should have been named on that list of directors.

The committee annex a certified copy of papers from the Executive office relating to the first organization of the bank, which they deem of an important character, and recommend that the same number of copies of the report and accompanying documents be printed as was ordered of the Executive office.

After the waste, extravagance, and folly, that we have witnessed, the result of the sale of Territorial bonds, thus far; the difficulties that arise hereafter in the payment of interest, to say nothing of the price and the injurious character which the traffic on them abroad may have upon the public credit of Florida, the committee recommend that the Executive be desired neither to sign nor endorse any bonds hereafter which the faith of the Territory can be presumed to be pledged for the purpose of raising the capital stock of any private corporation whatsoever.

The whole of which is respectfully submitted.

E. E. BLACKBURN,
Chairman Committee on Banks

COMMITTEE ROOM, *March 2, 1840.*

Colonel Gamble to Acting Governor Westcott.

TALLAHASSEE, *June 25, 1833.*

DEAR SIR I was requested by the board of commissioners to have the accompanying certificate, which I could not do on account of your absence from the city to day.

So much time has been lost, that a speedy appointment of the first of directors is most desirable.

Respectfully, your obedient servant,

JOHN G. GAMBLE

JAMES D. WESTCOTT, jr., Esq.,

Acting Governor of the Territory of Florida.

Memorandum endorsed on above letter.

Received June 26, 1833, of Major Lewis. The report, being the original document, was returned. J. D.

Acting Governor Westcott to Commissioners of the Union Bank.

EXECUTIVE OFFICE,
Tallahassee, July 8, 1833.

GENTLEMEN: Your communication, purporting to be a report as commissioners, under the act entitled "*An act to incorporate the Union Bank of Florida,*" has been received.

This report does not contain any notice of the books of subscription at St Augustine, Jacksonville, Marianna, and Key West, or of the number of shares subscribed at those places. The law prescribes that the commissioners at said places "shall, as soon as practicable," after the time specified for the subscription books to be kept open, "transmit their subscription books to the commissioners appointed for the city of Tallahassee, and with the books shall also transmit all certificates and other documents of title which may have been deposited with them, *and upon receiving said subscription books*, the commissioners for the city of Tallahassee, shall make out a correct statement of the shares subscribed, and report the number thereof to the Governor of the Territory."

I entertain serious doubts as to the power of the Territorial Legislature to create such corporations, and of the validity of the act, and consequently, doubts also as to the existence of any official obligation upon me, to do the various acts it prescribes to be done by the Governor and Secretary. I have, also, strong apprehensions, that if this bank goes into operation under this charter, it will be found pregnant with the most mischievous and disastrous results to the credit and prosperity of the Territory and its citizens. These doubts and apprehensions may not be well founded, and in deference chiefly to the opinions of the many highly respected citizens differing with me on this subject, and who are warmly in favor of the bank, I have concluded that they shall not influence me to refuse *appointing directors* as specified in said act; but they induce me to previously require that the terms of the law in regard to the acts of the commissioners, upon which such appointments are founded, shall be *fully, strictly, and rigidly pursued*. I consider that if subscriptions have been taken at either of the places above mentioned (and it is highly probable there have been such), the making of said report, *until the subscription books have been received, is premature*. The rights of all the subscribers, and the various sections of the country, should be regarded in making the appointments. The act prescribes that the seven directors elected to represent the stockholders, "shall be subscribers," and if any subscriptions are withheld from the report of the commissioners, such subscribers are excluded from the election. If no subscriptions have been made at either of the places omitted, that fact can be ascertained legitimately, and certainly with but little trouble and delay, on application of your board to the commissioners for those places; and it is considered, if such is the case, it should (and especially as no definite time is limited for the transmission of the books to Tallahassee) be distinctly set forth in the report. Any urgent necessity for the immediate appointment of directors is not seen; and under such circumstances, a selection without full information might be found unwisely precipitate.

Your communication is therefore returned for amendment as above intimated, according to the facts.

I am, with great respect, your most obedient humble servant,

JAMES D. WESTCOTT, Jr.,

Secretary and acting Governor.

BEN CHAIRES, NATHAN VICKERS, JONATHAN ROBINSON, F. FITZGERALD, W. B. NUTTALL, JOHN G. GAMBLE, ROBERT WILLIAMS, Esqrs.

Acting Governor Westcott to Commissioners of the Union Bank.

EXECUTIVE OFFICE,
Tallahassee, July, 1833.

GENTLEMEN: Upon consideration of your (verbal) communications to me on yesterday, in regard to the subscriptions to the Union Bank of Florida, at Marianna and Key West, and in East Florida, and the information you gave me of the receipt, since my letter of the 8th instant, of the books of subscriptions at Marianna, the knowledge of which subscriptions having been taken (although *unofficial*), principally induced that letter, I am of opinion, that, upon the annexation of a transcript of the Marianna return, to the report of the commissioners, heretofore returned by me, and its retransmission to me, I shall be justified in appointing the directors, as is so urgently pressed by the friends of the bank, without any further delay.

Under existing circumstances, however, as the return of subscriptions from East Florida may have been delayed from similar causes as has this from Marianna, I have thought it advisable, as was suggested on yesterday, to select a gentleman to represent the interests of the *stockholders* in that section of the Territory, and to whom, as was also suggested, it will be necessary to have transferred sufficient subscriptions to render him eligible, in case he has not heretofore become a subscriber elsewhere.

My opinion with regard to the *propriety of the first Territorial directors not being subscribers*, and that in respect to the *first* appointment of such directors, such qualifications are not clearly and distinctly prescribed by law, is unchanged.

I admit, there is ambiguity and uncertainty in the act on this point, and I feel myself at liberty in such case to follow that construction most consistent with what I *consider* is right and proper.

I have accordingly selected for the Territorial directors five gentlemen, who are not subscribers. I deem it proper also to state, that *these appointments* have been made without reference to the suggestions made on yesterday that a transfer could be made of subscriptions to *such* directors, to remove all doubts of their eligibility. Annexed is a list of the gentlemen I shall commission.

Very respectfully,

JAMES D. WESTCOTT, Jr.

Col. J. G. GAMBLE and others,

Commissioners.

Territorial directors.—Green H. Chairs, of Leon; Leslie A. Thompson, of Leon; John K. Campbell, of Leon; Isham G. Searcy, of Leon; Jonathan Robinson, of Gadsden.

Directors from stockholders and subscribers.—John G. Gamble, of Jefferson; Wm. B. Nuttal, of Jefferson; Thomas Preston, jr., of Gadsden; Charles H. Dupont, of Gadsden; John W. Campbell, of Jackson; Joseph C. Keyser, of Escambia; John L. Doggett, of Duval.

SECRETARY'S OFFICE,
February 25, 1840.

I, Joseph M'Cants, secretary of the Territory of Florida, do hereby certify that the foregoing are true copies from original documents on file in this office.

J. McCANTS, Sec. of Florida.

TALLAHASSEE, February 28, 1840.

Sir: In previous examinations of this committee, our inquiries have had reference more directly to the Union Bank, without reference to the Bank of Florida, or the Central Bank of Florida, the charters of which have both been bought up by your bank. It is necessary that we should be furnished with the information involved in the following queries:

1. At what date was the Bank of Florida purchased by the Central Bank, and what were the terms and conditions of sale?

2. Can you give a statement of the affairs of the Bank of Florida, when sold and transferred? and, if so, please furnish it. State particularly the bills in circulation, and other liabilities of said bank at the time of transfer.

3. What is the present state of the affairs of said bank, and what is the amount of its bills in circulation, and other liabilities, if any, outstanding?

4. Who are now stockholders, if there are any, individual stockholders in the affairs of said bank, and how is its business transacted?

Please answer the same queries with regard to the Central Bank of Florida, and its purchase by the Union Bank; and, also, whether it is not indebted to an individual or individuals in a large amount; and, if so, what amount, and when due, and what is his security. And, also, whether part of the real estate, credited as assets of the Union Bank, was not obtained by said purchaser from the Central Bank.

It is also requested that you should state whether any, and, if so, what amount of notes and other securities received from Central Bank are yet unpaid and held by the Union Bank.

Your very obedient servant,

E. E. BLACKBURN,
Chairman Committee on Banks.

J. G. GAMBLE, Esq.,

President Union Bank of Florida.

UNION BANK OF FLORIDA,
March 2, 1840.

Sir: Yours of the 28th ult. has remained without reply, because of the pressure of official duty, and because the books of the Bank of Florida, and Central Bank of Florida, are posted up, and could not conveniently be referred to. I do not understand from Mr. Brown that the inquiries are deemed very important; if they are, I will be able to attend to them after next meeting of the board of directors, which will be held on the 4th instant.

Your obedient servant,

JOHN G. GAMBLE, President.

E. E. BLACKBURN, Esq., Chairman.

TALLAHASSEE BRANCH
S. Life Ins. and Trust Co., Feb.

SIR: Herewith, I transmit answers to interrogatories received this morning, accompanied by a list of the stockholders to who have been issued by this branch. I regret that I have not a full list of stockholders. Anticipating your present requisition, I wrote to St. Augustine and to New York, sometime since, for the necessary information. Sufficient time has not elapsed for it to reach me.

I remain, very respectfully, your obedient servant
J. WILLIAMS,

E. E. BLACKBURN, Esq.,
Chairman, &c., Tallahassee.

Interrogatories from E. E. Blackburn, chairman of the Capital Bank, received February 29, 1840, and replies thereto, predicated on the condition of the Tallahassee branch of the Southern Life and Trust Company, February 28, 1840.

1st. Names of stockholders of the bank, residence, and number of shares owned by each: (See schedule transmitted herewith, page 114)

2d. Amount of loans on bonds and notes held at this office:

Loans on Territorial bonds	-	-	-	-
Loans on hypothecation of stock	-	-	-	-
Loans on promissory notes	-	-	-	-
Loans on bills of exchange	-	-	-	-

Loans on mortgages, specifying mortgage:

One mortgage of wardens and vestry of St. John's Church, Tallahassee, on parsonage-house and lot

3d. Amount of bonds received, having the Governor's endorsement when received, when and where payable, and how disposed of.

The amount of certificates of this company, which have been endorsed by the Governor, is four hundred thousand dollars, as was reported in the report of the President to the Governor, on the 21st of January. I am in possession of no further information than is contained in the report. I would state, however, that the mortgages lodged as security for the certificates last endorsed, to the amount of \$125,000, were deposited here several weeks before it was known to me, having been deposited here in a trunk that contained notes of the company, but of which I was not aware, until I had written to St. Augustine and received the effect of that effect. This will account for their being endorsed, not on the 20th of December, or nearly six weeks after my arrival here.

To the better understanding of the nature of these certificates, I answer in the fullest manner the questions in relation to them, and enclose a copy of one. It is as follows, to wit:

"Certificate for one thousand dollars, or two hundred and fifty pounds sterling, under the guarantee of the Government of England, with a permanent and accumulating sinking fund for its redemption."

"This is to certify, That the Southern Life Insurance Company have received one thousand dollars, and that they have deposited the same in London, at the banking-house of Messrs."

to the holder of this certificate, two hundred and twenty-five pounds sterling, at the expiration of twenty-six years from this date (the said certificate not having been previously redeemed), with interest on the said sum, at the rate of five per cent. per annum, that is to say: £5 12s. 6d. on the 1st of April, and £5 12s. 6d. on the 1st of October, of each year, on presentation and delivery of the proper coupon hereunto annexed. And the Governor of Florida, by a declaration on the present certificate, will pledge the faith of the Government for its due payment, according to an act of the Legislature, passed the 14th of February, 1835.

"Now, be it known, that the Southern Life Insurance and Trust Company have invested four hundred thousand dollars of their capital in bonds and mortgages, bearing interest at the rate of 8 per cent. per annum; the said mortgages being on property at least double the value of the advances made thereon, respectively, by the said company. And the company have pledged the said bonds and mortgages to the Government as security for their guarantee of the company's certificates (of which a specification is annexed), amounting to four hundred thousand dollars, or ninety thousand pounds sterling.

"The bonds and mortgages before mentioned, amounting to four hundred thousand dollars, specially pledged to the Government of Florida, for the security of the present loan, will be exchanged from time to time, as the same are collected, and as the money received is reinvested according to law, in similar securities.

"And the Southern Life Insurance and Trust Company of Florida do hereby engage to remit to Messrs. _____, the agents of the loan in London, the whole of the yearly interest that shall from time to time become due, at the rate of 8 per cent. per annum, on the said bonds and mortgages; such remittances to be applied, in the first instance, to the payment of the interest on the present and other certificates (of which a specification is annexed), and the residue as a permanent and accumulating sinking fund for the redemption of the same. The dividends on the said sterling certificates redeemed, as well as the abovementioned annual appropriation from the interest of the said bonds and mortgages, to be made each year to the purchase of certificates in open market, when the price is at or under par; when the price of the said certificates is above par, then the agents of the loan in London are to render to the holders thereof the amount at the rate of one hundred pounds sterling money for one hundred pounds sterling stock. And it shall be obligatory upon the holders of the lowest numbers of the certificates in circulation, beginning at number one, to receive payment thereof at the same rate; public announcement of such tender having been made in one or more of the daily London newspapers, and payment of such certificates not having been claimed, the interest thereon subsequently accruing will not be considered due, and payment of the same will cease. And the capital of each certificate, and the interest which may have accrued thereon, previous to the public tender of payment above mentioned, shall be invested by the agents of the loan in exchange bills, to be handed over to the holders of the said certificates, when the same are delivered up for payment, and when the coupons for interest not due are returned to the said agents. As the said sterling certificates are reimbursed, the same are to be cancelled and deposited in the Bank of England. If any of them shall remain in circulation at the expiration of twenty-six years from this

date, as before stated, the same will be paid off at par, on presentation to the agency of the loan in London.

“ If payment shall not be claimed after public announcement as aforesaid, the amount is to be invested in exchange bills, and the said bills are to be deposited in the Bank of England, or otherwise, according to law, for the benefit of the holders of such unclaimed sterling certificates, so as to relieve the company from all legal responsibility, either in relation to the Government of Florida, or the holders of the said sterling certificates, and to remove all lien on the bonds and mortgages before mentioned, on account of the said loan or certificates.

“ Witness, the seal of the Southern Life Insurance and Trust Company, and the signatures of the President and Secretary thereof, at St. Augustine, this day of August, A. D. 1839.

Secretary.

President.

“ Specification No. 1 to 400, four hundred certificates of \$1,000 each, £225 each, issued by the Southern Life Insurance and Trust Company and guaranteed by the Government of Florida.”

Question.—What is the amount of bills of your bank on hand?

Answer.—\$175,058.

Question.—What is the amount of bills of your bank in circulation?

Answer.—None of this office; and the circulation of the company can only be ascertained by knowing the issues of each office on a given day.

Question.—What is the amount of drafts, bills of exchange, or notes, running to maturity, when payable, and where?

Answer.—Amount of bills of exchange, drawn at from sixty days to four months, \$6,187 14; bills of exchange drawn at from sixty days to six months, \$53,642 48; all dated subsequently to January 12, 1840, payable in New York. \$5,000 of this amount was drawn for account of the Territory of Florida.

Question.—What are the names of officers and directors of this company?

Answer.—The trustees of this company resident here, are Turbot B. Betton, Robert Lyon, Lewis Henry Branch, Samuel Reid, and W. Fisher, chosen on the part of the stockholders; and Leslie A. Thomas and William Wilson, trustees, chosen by the Governor on the part of the Territory. John Williams, cashier, and Andrew G. Hammond, clerk.

Question.—What is the amount due the parent bank and offices?

Answer.—\$224,695 41.

Question.—What is the amount due to other banks, specifying the banks?

Answer.—Nothing.

Question.—What is the amount due by other banks, specifying the banks?

Answer.—Union Bank of Florida, \$900; Union Bank, New Orleans, \$200.

Question.—What is the amount of notes of other banks on hand, specifying the banks?

Answer.—Union Bank bills, \$19,011, Georgia Bank bills, \$153.

Question.—What is the amount of specie on hand, in gold and silver?

Answer.—\$1,269 13.

Question.—What amount of deposits are due on time?

Answer.—None.

Question.—What amount of deposits are payable on demand?

Answer.—\$22,986 95, payable in Union Bank notes.

Question.—What is the amount of discount, exchange, premium and interest account since the establishment of the agency at Tallahassee?

Answer.—\$8,042 70.

Question.—What is the amount of discount paper past due and unpaid?

Answer.—None.

Question.—What is the amount of overdrafts of individuals?

Answer.—None; unless payment to the two officers of this branch, on account of salaries now due, but not yet charged to expense account, may be so considered.

J. WILLIAMS, *Cashier.*

LIST OF STOCKHOLDERS.

Stockholders' Names.	Residence.	Shares.	Am
John Willa - - -	Leon county -	88	\$
T. R. Betton - - -	"	100	1
William Fisher - - -	"	78	
Samuel Reed - - -	"	60	
Lewis H. Branch - - -	"	60	
Kenneth Bembry - - -	"	150	1
Thomas Willis - - -	Gadsden county -	34	
Seaborn Rawls - - -	"	16	
Augustus H. Lanier - - -	"	100	1
Richard H. Bradford - - -	Leon county -	100	1
William Burney - - -	"	75	
Robert Lyon - - -	"	60	
John D. Hartley - - -	Gadsden county -	29	
Benjamin A. Neal - - -	"	45	
John C. Hall - - -	"	79	
Thomas H. Condey - - -	"	13	
William J. Mills - - -	"	16	
Laban Rawls - - -	"	46	
Adam Grambling - - -	Leon county -	14	
Hampton Mattox - - -	"	60	
Alexander McIvor - - -	"	51	
William Hall - - -	"	87	
Henry Long - - -	"	38	
Arch. R. S. Hunter - - -	"	75	
Robert K. West - - -	"	150	1
George E. Dennis - - -	"	115	1
William L. Tooke - - -	Madison county -	150	1
Benjamin Sutton - - -	"	15	
Silas Overstreet - - -	"	24	
John B. Coffee - - -	"	67	
William Sever - - -	"	35	
James H. Hext - - -	Gadsden county -	10	
Harlam Arlans - - -	Madison county -	80	
Ayles B. Shehee - - -	Jefferson county -	100	1
Daniel McIntyre - - -	Madison county -	36	
David Calloway - - -	"	64	
James Livingston - - -	"	33	
Elisha Sumlerlin - - -	"	20	
Frederick Butler - - -	"	10	
John Wiggins - - -	"	11	
59 Stockholders.	Total shares -	2,392	\$20

TALLAHASSEE BRANCH, *Southern Life Ins. & Trust Co.*
February 29, 18

The foregoing list embraces all the stockholders' names, to whom stock certificates have been issued from this office.

I. WILLIAMS, Clerk



An ACT to incorporate the subscribers to the "Union Bank of Florida."

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That a bank shall be established in the city of Tallahassee, under the title of the "Union Bank of Florida," with a capital of one million of dollars, and with the privilege of increasing it to three millions of dollars, which capital shall be raised by means of a loan, on the faith of the Territory, by the directors of the bank: Provided, that not more than one million of dollars shall be taken up and called for at the time of organizing the bank.

Sec. 2. *Be it further enacted,* That books of subscription (toward constituting the capital of said bank) for the sum of one million of dollars, divided into shares of one hundred dollars each, and intended to secure a loan to be made on the faith of the Territory, shall be opened on the first Monday of April next after the passage of this act, in Tallahassee, Pensacola, St. Augustine, Jacksonville, Marianna, and Key West, under the superintendence of the commissioners herein named, a majority of whom, at each place, shall form a board for the transaction of business, to-wit:

At Tallahassee, under the superintendence of Benjamin Chaires, R. W. Williams, Nathan Vickers, William B. Nuttall, John Parkhill, Jonathan Williams, William Maner, Freeman Fitzgerald, John G. Gamble, and William Bailey.

At Pensacola, under the superintendence of Henry Hyer, Joseph Forsyth, John Jerome, junior, Samuel Paterson, Francisco Moreno, Hanson Kelly, Joseph Stern, and George W. Barkley.

At St. Augustine, under the superintendence of Edwin T. Jenks, G. W. Wood, Andrew Anderson, Antonia Alvarez, Daniel S. Griswold, Pedro Wood and John M. Hanson.

At Jacksonville, under the superintendence of Joseph B. Lancaster, John D. Hart, William J. Mills, Louis Flemming, Samuel Y. Garey, John L. Daggett, and Thomas J. Brown.

At Marianna, under the superintendence of John W. Campbell, Jacob Williams, George C. Hodges, Thomas Orman, and William Robinson.

At Key West, under the superintendence of James Webb, Fielding A. Wood, John Whitehead, Pardon C. Green, John W. Simonton, William Woodhead, and George E. Weaver.

The books of subscription in Tallahassee shall be kept open for sixty days, and in Pensacola, St. Augustine, Jacksonville and Marianna, each, thirty days, and Key West ten days, when they shall be closed. And the commissioners at Pensacola, St. Augustine, Jacksonville, Marianna and Key West, shall, as soon as practicable thereafter, transmit their subscription books to the commissioners appointed for the city of Tallahassee; and, with the books, shall also transmit all certificates and other documents of which may have been deposited with them. And, upon receiving the subscription books, and documents of titles, the commissioners for the city of Tallahassee shall make out a correct statement of the shares subscribed, and report the number thereof to the Governor of the Territory.

Sec. 3. *Be it further enacted,* That, if it shall appear from said report of the commissioners, that subscriptions have been made to the extent of

three thousand shares, it shall be the duty of the Governor to appoint twelve directors, five on the part of the Territory, and seven on the part of the stockholders, who shall be subscribers to said bank; which twelve directors shall constitute the first board of directors of said bank, and shall remain in office until the first Monday in February thereafter. The said directors shall proceed to elect one of their number as president of said bank, who shall also remain in office until the first Monday in February thereafter. And any vacancy or vacancies which may happen in said board of directors, by death or resignation, or otherwise, shall be filled by an election to be made by said board. And so soon as said board of directors shall have been organized, the power of the commissioners appointed to receive subscriptions shall cease, and the books of subscription, with all papers relating thereto, shall be delivered over to the board of directors.

SEC. 4. *Be it further enacted,* That, if at the time of organizing said first board of directors, it shall appear that more than ten thousand shares have been subscribed, the said board of directors, or a majority of them, shall deduct the amount of excess from, first, the stock for which such security shall not be offered, and then from the largest subscription in such manner that no subscription for one hundred shares or under, shall be reduced, while the excess may be reduced from the largest subscription and for subscriptions of one hundred shares, and under, if further reduction is required, it shall be made at a rateable proportion. And if it shall appear that the whole amount of ten thousand shares shall not have been subscribed at the time of closing said subscription books, the said books shall remain open, under the direction of the board of directors, until the number of ten thousand shares shall have been subscribed. And the fact that the full number of shares had not been subscribed for, and that the books shall continue open for additional subscriptions, shall be published in the said newspapers published in the Territory, for thirty days. And similar notice of the opening of the books of subscription shall be republished at the beginning of each succeeding year, until the said number of ten thousand shares shall have been subscribed.

SEC. 5. *Be it further enacted,* That the owners of real estate, situate in the Territory of Florida, and who are citizens thereof, shall be the only persons entitled to subscribe to the capital stock of said bank. The shares so subscribed, shall, until after one year, be transferable only by such persons being citizens; but, after the expiration of one year, they shall be transferable to any owner of real estate in this Territory, whether a citizen or not.

SEC. 6. *Be it further enacted,* That, as soon as convenient after the passage of this act, the Governor shall, by and with the advice and consent of the Legislative Council, appoint five appraisers in each of the counties of this Territory, whose duty it shall be to ascertain and appraise the property of those who wish to become stockholders in said bank. And the said commissioners shall deliver to all persons whose property they appraise, detailed and authentic certificates of its value, of the number of acres in which each tract is composed, how many in cultivation, and how many are uncleared and not cultivated, the number of slaves, the number and quality of buildings; and an estimate of the value of each item, which certificate must be signed and sworn to before a magistrate of the county by said appraisers, or a majority of them.

Sec. 7. *Be it further enacted,* That the board of directors shall be the judges of the sufficiency of the mortgages offered for the stock, and shall have power to refuse or reject the same, if not sufficient, and shall, in such case, require other security, or, in default, reduce the shares of such delinquent to the amount of the security satisfactorily furnished.

Sec. 8. *Be it further enacted,* That, to secure the payment of the principal and interest of the bonds to be issued by the Territory, for the purpose of raising the capital of the bank, the subscribers shall be bound to give a bond and mortgage, to the satisfaction of the board of directors, the property to be in all cases, at least equal to the amount of their respective stock, which mortgages may be on lands and slaves, on lots with houses or other edifices yielding a revenue: Provided, that not more than two-thirds of the stock of such stockholder may be secured by mortgage on unimproved lands, not pertaining to any plantation, nor shall any mortgage be taken upon any vacant lot in any town or city, no mortgage on slaves alone shall be received; and when a mortgage shall be offered on lands and slaves, the value of the lands shall be equal to at least one-half of the stock, for securing which the mortgage is given, and houses and other buildings mortgaged to the bank shall always be insured against the risk of fire, and the policy of insurance transferred to the same institution; but it shall not be necessary to insure buildings on plantations.

That no mortgage shall be received on a brick or stone house, or other brick or stone buildings, for more than one-half of its value, and on a frame house for more than one-fourth of its value; that no one shall be permitted to subscribe until he shall exhibit to the commissioners or directors such evidence of his title to the property proposed as a guarantee to the bank, as may be deemed satisfactory to said commissioners or directors, and the certificates of the clerk of the county, and superior courts in the county where the estate lies, whether there is or is not any encumbrance upon the same, and judgment on the party; and if so, their respective amount. That property already mortgaged may be received as a guarantee, provided, that there be first deducted from the whole appraised value of the property at least twice the amount of said mortgages, and stock to be granted only the amount of the surplus, after such deduction: Provided, however, that such existing mortgage on said property shall not prevent the board of directors or commissioners from receiving it at its full value, if the subscriber shall actually employ the money to be borrowed from the bank in the extinguishment of said mortgage, and its extinguishment shall take place in the presence of the officers of the bank or their appointed agent.

Sec. 9. *Be it further enacted,* That the bonds and mortgages given to secure the subscriptions to the capital stock of said bank, shall be deposited in the office of said institution, the said mortgages having been first recorded according to law; and whenever application shall be made by a stockholder to transfer his stock and be discharged, such transfer and discharge shall take place upon the new stockholder complying with the same requirements stipulated in the foregoing section; in the case of an original subscriber, and in all such cases of transfer and discharge, the votes shall be given by yeas and nays.

That any stockholder may at any time release his property by paying the amount subscribed, and also such loans as may have been made on the stock of it.

SEC. 10. *Be it further enacted,* That, in order to facilitate the negotiation by said bank for the said loan of one million of dollars, the said Territory is hereby pledged for the security of the capital and interest, and that one thousand bonds of one thousand dollars each, to wit, one hundred and fifty bonds payable in twenty-four years, two hundred and fifty bonds payable in twenty-six years, two hundred and fifty bonds payable in twenty-eight years, two hundred and fifty bonds payable in thirty years, and bearing interest at the rate of not exceeding six per centum annum, shall be furnished to the order of the "Union Bank of Florida," signed by the Governor, and countersigned by the Treasurer, and with the seal of the Territory. Such bonds to be in the following words:

ONE THOUSAND DOLLARS.

KNOW ALL MEN BY THESE PRESENTS, That the Territory of Florida acknowledges to be indebted to the "Union Bank of Florida" in the sum of one thousand dollars; which sum the said Territory of Florida promises to pay, in lawful money of the United States, to the order of the president, directors, and company of said bank, on the ____ day of _____, in the year one thousand eight hundred and _____, with interest at the rate of ____ per centum per annum, payable half yearly, at the place named in the endorsement hereon, viz: on the ____ day of _____, and on the ____ day of _____ of every year, until the payment of said principal sum. In testimony whereof, the Governor of the Territory of Florida hath signed, and the Treasurer has countersigned, these presents, and caused the seal of the Territory to be affixed thereto, at Tallahassee, this ____ day of _____, in the year of our Lord _____.

[Countersigned,]

_____, Governor
_____, Treasurer

The said bonds may be transferrable, by the endorsement of the president and of the cashier of the said bank, to the order of any person whatsoever, or to the bearer; and the said endorsement shall fix the place at which said principal and interest shall be paid; and all expenses attending the issuing of said bonds, shall be paid from the funds of the bank.

SEC. 11. *Be it further enacted,* That both the capital and interest on said bonds shall be paid by said bank as the same shall become due.

SEC. 12. *Be it further enacted,* That it shall be, and it is hereby declared to be the duty of the Secretary of the Territory to affix the seal of said Territory to each of the said bonds so signed and countersigned, and of charge.

SEC. 13. *Be it further enacted,* That, as soon as directors appointed in the manner provided for in the third section of this act shall assume the duties of their office and elect a president, the same shall be notified to the Governor, who shall thereupon execute to the said bank, from time to time, bonds in amount proportioned to the sums subscribed, and secured to the satisfaction of the directors, as required by the charter, until the amount of three millions of dollars shall be furnished in bonds, as heretofore provided.

SEC. 14. *Be it further enacted,* That the mortgage to be given by the subscribers to the stock of the bank shall be in the following form:

THIS INDENTURE, made the ____ day of _____, in the year one thousand eight hundred and _____, between A. B., of the first part, and the "

Bank of Florida," of the second part, witnesseth : That the said party, of the first part, in consideration of one dollar, to him duly paid, hath sold, and by these presents doth grant and convey, to the said party of the second part the following described premises, to wit :

To have and to hold the said premises and appurtenances to the said party of the second part and their successors for ever : And the said party of the first part covenants for himself, his heirs, executors, and administrators, to pay the said party of the second part the sum of dollars, in the manner following, to wit :

This grant is intended as a security for the payment of the aforesaid sum of dollars, according to the tenor and effect of the foregoing covenant ; which payment, if so made, will render the conveyance void. And if default shall be made in the payment of any sum due by the above covenant, as principal, interest, or instalment, for ninety days, then the party of the second part, and their successors, may sell the premises above granted, or so much thereof as will satisfy the amount due, with reasonable costs and expenses, at public auction, on giving thirty days' notice of the time and place of sale, in some newspaper published in the county, or in the paper published nearest to the county. Witness, etc., etc., etc., etc., which mortgage shall be accompanied by a relinquishment of dower from the wife, according to law.

Sec. 15. Be it further enacted, That the subscribers to the stock of said Union Bank, their successors and assigns, be, and they are, by this present act, created a corporation and body politic, for and during the term of forty years from the passage of this act ; and shall be, and are hereby, made capable, under the name of the "Union Bank of Florida," to receive and possess all kinds of property, either moveable or immovable ; and to sell, grant, alienate, demise, and dispose of the same ; to loan, negotiate, take mortgages and pledges ; and to discount on such terms and such securities as they shall judge proper : *Provided*, that the whole amount of their accounts and goods of every description do not exceed double the amount of the capital actually received—the profits realized and in possession of the bank being always considered as a part of their capital : *And provided, also*, That the debt by the bank, exclusive of the deposits, shall not exceed double the amount of their capital : and they may sue and be sued, plead and be pleaded, answer and receive answers, in all courts having competent jurisdiction ; and to have a common seal, and the same to alter and renew at pleasure ; and to ordain and establish such by-laws, rules, and ordinances, as they shall deem necessary and suitable for the government of the said corporation, not being contrary to this act, nor to the Constitution and laws of the United States, or to the laws of the Territory of Florida.

Sec. 16. Be it further enacted, That, after the first appointment of directors as prescribed in the third section of this act, there shall be held an annual election for seven directors to be made by the stockholders on the first Monday in February of every year, which election shall be held at the banking house of said bank, and the said seven directors shall be elected by the stockholders or their attorneys, after public notice of the time and place of holding said election, advertised in all the newspapers printed in Florida, for a space of at least thirty days previous to the time of holding said election. In said election, each stockholder shall be entitled to one vote for every share held by him ; but no person, copartnership, or firm shall be entitled to a greater number than one hundred votes, and the said election shall be decided by a plurality of votes. No vote shall be given

upon any share which has not been held by the owner for at least calendar months previous to the election. There shall also be appointed, on the part of the Territory, five other directors, which appointment shall be made previous to the fourth Monday of January in each year, in such way as the Legislature may direct; and, unless otherwise directed, the said appointment shall be made by the Governor, by and with the advice and consent of the Legislative Council; and the directors elected by the stockholders, and appointed on the part of the Territory, at their first meeting after the said election, proceed to elect one of the directors to be president of the said bank, and he shall remain in office during the time for which the directors shall have been elected, as above stated. *Provided always*, That if an election or appointment of directors, or a president, shall not take place at the period fixed by the present act, the corporation shall not on that account be dissolved; but it shall be lawful at any other period to hold the said election, or make the said appointment, as the case may be; and, until such elections, the president and directors of the said Union Bank, for the time being, shall continue in office. And in case of vacancy, arising from the death, resignation, non-acceptance, refusal to qualify, absence from the United States, or removal from office of any director, the vacancy shall be filled by the board of directors.

SEC. 17. *Be it further enacted*, That the board of directors of said corporation, shall have power to make rules and regulations for the administration of the affairs of the bank; and may alter, add to, or repeal the same as the interest of the corporation shall require; and the deliberations and acts of said board shall have the same force and effect, as if done by the stockholders themselves, in general meeting: *Provided*, the said rules, regulations or acts be not contrary to law; *and provided, also*, that such regulations, and acts, may be repealed or altered by the stockholders in general meeting.

SEC. 18. *Be it further enacted*, That the board of directors shall keep one or more books, in which shall be entered their rules, regulations, orders, and proceedings, which book shall at all times be open for the inspection of any committee appointed for the purpose by the Legislature; and such committee shall have access to all books containing the general accounts of the bank, so as to ascertain the amount of cash on hand, the amount of bills in circulation, the balance due to and from other banks, the amount of deposits, the amount of bills, notes, or bonds, discounted, and all the other assets of the said bank, so as to know its true situation and be enabled to make a true report thereof to the Legislature: *Provided*, that said committee shall not have a right to examine the individual accounts of the customers of the bank. And it shall be the duty of the board of directors at the commencement of each session of the Legislature, to cause to be laid before it a statement of the situation of the bank; which statement shall be verified by the oath of the cashier.

SEC. 19. *Be it further enacted*, That none but a stockholder who is a citizen of the Territory, shall be capable of serving as a director of said bank, and after the first appointment, no stockholder shall be a director who does not, at the time of his election or appointment, possess at least twenty shares of the capital stock of said bank. No director except the president shall be entitled to any emolument or pay for his services, nor shall any director be connected with another bank, nor shall two persons in partnership be at the same time directors of this bank; and if after his election or appointment, any director

fail, he shall be incapable of any longer holding his office, and another shall be elected in his place, in the manner prescribed in the sixteenth section of this act. The President elected by the first board of directors, shall receive such salary or compensation for his services as the board by which he is elected shall determine; and the salary of the president shall after the first year be fixed by the stockholders at their first general meeting and shall continue the same until altered by a subsequent general meeting.

Sec. 20. *Be it further enacted,* That the president and directors of said bank shall have power to appoint the cashier, tellers, book-keepers and all other officers and servants of the company, to prescribe their several duties, to allow them such compensation for their services as they may deem reasonable; and all said officers and servants shall give such bond and security for the faithful discharge of their duties, as may be required by the board of directors, and shall hold their several offices only during the pleasure of said board.

Sec. 21. *Be it further enacted,* That the expense of recording deeds, mortgages, &c., given by subscribers to secure the amount of the stock, or given to secure the repayment of loans made by the bank, shall be paid by the party given the security. And the expense of appraising and valuing the property of proposed subscribers to the stock of the bank by the commissioners appointed under the provisions of the sixth section of this act, shall also be paid by the parties requiring their services: and for said services, the said appraisers are hereby authorized to demand and receive at the rate of one dollar each per day.

Sec. 22. *Be it further enacted,* That the shares held by any stockholder shall be bound for any debt he may owe to said bank, whether as payer, endorser, or security; nor without the consent of the board of directors, shall such stockholder be permitted to transfer his shares, until such debt shall have been paid; and upon failure of payment, the board of directors may order a sale to be made of said shares, or so many thereof as may be sufficient to discharge the said debt.

Sec. 23. *Be it further enacted,* That after paying the interest upon the bonds issued by the Territory, and the expense of management, the surplus profits of the said bank shall be retained and used as additional capital, until the accumulated surplus shall equal the amount of the bonds issued for procuring the capital of the bank, and when the Legislature is satisfied that the accumulated profits are of such amount, it may by resolution authorize dividends of subsequent profits. And in apportioning the dividends of such subsequent profits, one moiety thereof shall be paid to the Territory of Florida, in consideration of the aid afforded in raising the capital of the bank; and the other moiety shall be divided among the stockholders according to their respective shares. But upon the expiration of the charter, the whole capital subscribed shall be divided among the stockholders in the same ratio.

Sec. 24. *Be it further enacted,* That the said corporation shall never refuse or suspended the payment in lawful money of the United States, of any of their notes or obligations, or of any funds received by them in deposite; and if ever the said corporation shall refuse or suspend said payment, the bearer of any note or obligation, or any person having the right to demand or receive the amount of funds deposited as above mentioned, shall be entitled to recover damages, at the rate of ten per centum per annum.

SEC. 25. *Be it further enacted,* That the capital of said bank exempt from any tax imposed by the Legislature of Florida, or county or body politic, under the authority of the Territory, during the continuance of the present charter.

SEC. 26. *Be it further enacted,* That mortgages for loans, in virtue of this act, shall bear the legal rate of interest after matured and punctually paid, and the Union Bank of Florida shall have the same cause to be seized and sold, according to law, the property mortgaged whose hands soever the same may be found, in the same manner, and with the same facilities, as if it was seized in the hands of the mortgagor, notwithstanding any sale or change of title thereof by inheritance or otherwise.

SEC. 27. *Be it further enacted,* That if any individual, who has obtained from said bank a loan secured by mortgage as aforesaid, shall make a surrender of his property to his creditors, the said mortgaged property shall not be comprised in the cession, or in the mass of his estate, in any case of payment of the sum due to the bank, and secured by the mortgage: but the said bank may proceed by a due course of law against said property, in the same manner as if no surrender had been had, and the surplus of the proceeds of the sale, after paying the debts of the bank, with costs, shall be paid over to his legal representatives.

SEC. 28. *Be it further enacted,* That, upon loans or discounts not exceeding four months, the said bank shall not receive more than five per cent. for sixty days; and not more than at the rate of eight per cent. per annum for a longer period; the interest in either case may be deducted in advance.

SEC. 29. *Be it further enacted,* That each and every stockholder shall be entitled to a credit or loan equal to two-thirds of the total amount of the shares: *Provided,* That notes or obligations for repayment of the same shall be annually received, and the interest paid up: *And provided,* That when the accumulated surplus profits shall have equalled the amount of the bonds issued by the Territory, for obtaining the capital of the bank, the interest upon all loans shall be reduced to a rate not exceeding five per centum per annum.

SEC. 30. *Be it further enacted,* That, whenever the said bank shall be paid off and delivered to the Governor of Florida all the bonds which have been issued by the Territory for the purpose of raising the capital stock of the bank, the right of electing directors by the Territory shall terminate, and thenceforward all the directors shall be elected by the stockholders in the manner provided in section sixteen of this act.

SEC. 31. *Be it further enacted,* That, at any time after the Union Bank of Florida shall have been in operation one year, the remainder of two millions of dollars, mentioned in the first section of this act, may be apportioned thereof as the directors may deem advisable, may be subscribed and taken up; and for that purpose books of subscription shall be kept at the banking house of said institution, under the direction of the board of directors, or of such committee thereof as it may appoint; and the board of directors shall have authority to appoint appraisers in the several counties of the Territory, to value and appraise the property proposed to be offered in payment of the additional subscriptions to said capital stock, with the same power and authority as is given in the sixth section of this act. And the board of directors shall have all the power and authority, in relation to the subscription of the additional capital stock, which is given in

in relation to the original subscriptions. And the books for receiving subscriptions for the additional capital, shall be kept open for at least sixty days; and, if the whole amount proposed to be subscribed shall not have been subscribed for in said sixty days, the board of directors may order the books to be kept open, or to be then closed and opened again at such times as said board may deem most expedient. But if, at the expiration of the sixty days aforesaid, it shall appear that subscriptions have been made to an amount exceeding the additional sum proposed to be subscribed, the excess shall be taken, first from those subscribers who were not previously stockholders in said bank, by striking off from the largest subscriptions until reduced to the next largest, &c.; and if, after striking out all the subscriptions of parties not before stockholders, there shall still be an excess, it shall be so reduced as to make the new subscriptions of the stockholders as nearly as may be proportional to their old shares.

Sec. 32. *Be it further enacted,* That the board of directors of said Union Bank shall, within six months after going into operation, establish agencies or branches of said institution at St. Augustine, Pensacola, and Marianna, and shall have authority to establish branches at that time, or at any time hereafter, at such other places in the Territory of Florida, as they may deem advisable; and shall also have authority to appoint the agents, directors, cashier, and other officers of said agencies or branches, and to prescribe the rules and regulations, for conducting and managing the same, as they may deem expedient; or they may delegate to the directors of any such branches the power of appointing the subordinate officers thereof, under such restrictions as the president and directors of the Union Bank may prescribe; and that the branches and agencies ordered to be established by this act, or that may hereafter be established by the president and directors of the principal bank, shall be managed by a president and six directors, who shall be stockholders, to be appointed as prescribed in the foregoing part of this section.

Sec. 33. *Be it further enacted,* That in all instances in which slaves shall be mortgaged in virtue of this act, the possession thereof shall be and remain with the mortgager, any law to the contrary notwithstanding, until by the covenant or covenants contained in said mortgage, it shall be lawful for the said bank to seize the same. And if at any time the president of said bank, or any accredited agent thereof, shall make oath before any judge of the county court, or justice of the peace, that he verily believes that the said mortgager intends removing, or is about to remove, or has commenced to remove the said slave or slaves beyond the reach of the laws of this Territory, in violation of his covenant with the bank, it shall and may be lawful for said judge or justice to issue an attachment against such slave or slaves, directed to any marshal, commanding him to seize and take such slave or slaves, and make return thereof to the next court having competent jurisdiction, in the same way as is provided by the general law of attachment: *Provided, moreover,* That in any case of mortgages on a slave or slaves, by virtue of this act, the increase of such slave or slaves shall be subject to the same lien created by said mortgage.

Sec. 34. *Be it further enacted,* That the said bonds to be executed and furnished by the said Governor, in the name of this Territory, as in the tenth section of this act is provided, shall in no instance be sold, or negotiated at a discount, or for a less sum than the amount named and expressed in said bonds, for the purpose of raising the capital of said bank; but, in

every such case, each and every bond sold for a less sum than the amount named and expressed therein, shall thereby become for ever absolutely null and void.

SEC. 35. *Be it further enacted,* That in case of a violation of the provisions of the 15th section of this act, the directors, under whose administration it shall happen, shall be liable for the surplus debts thus created, in their natural private capacities, and an action of debt may in such cases be brought against them, or their heirs, executors, or administrators, in any court of record having competent jurisdiction, by any creditor or creditors of said corporation, and may be prosecuted to judgment and execution, any condition, covenant, or agreement, to the contrary notwithstanding; but this shall not be construed to exempt the said corporation, or the lands, tenements, goods, and chattels, of the same, from being also liable for, and chargeable with, the said excess: *Provided,* That such of the directors who may have been absent from the board when said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was contracted or created, may respectfully exonerate themselves from being so liable, by forthwith giving notice of the fact of such absence or dissent to the Governor of the Territory.

SEC. 36. *Be it further enacted,* That one moiety of the dividends or profits which, according to the 23d section of this act, is to accrue and be paid to the Territory, shall for ever be held and appropriated by this Territory as a fund, to be controlled, invested, and regulated, so that the annual interest or dividends which may accrue thereon, shall be applied as the Legislature may or shall from time to time direct, exclusively to, and for the establishment, support, and use of schools, colleges, and seminaries of learning, in this Territory.

Approved February 13, 1835.

AN ACT to amend an act entitled "An act to incorporate the subscribers to the Union Bank of Florida."

SEC. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That so much of the 16th section of the aboverecited act, as directs that notice of the time and place of holding the annual election of directors of said Bank, shall be advertised in all the newspapers printed in Florida; and so much of the 32d section of the same act, as requires "that the board of directors of said Union Bank shall, within six months after going into operation, establish agencies or branches of said institution in St. Augustine, Pensacola, and Marianna," shall be, and the same is hereby, repealed: *Provided, however,* That if at any time hereafter the capital stock of said bank shall be enlarged, as by the charter is allowed, it shall be the duty of the said bank to cause books of subscription to be opened at the places named in East Florida for opening books, contained in the original charter, and if any shall be subscribed, it shall hereafter be obligatory to establish a branch in East Florida, according to the requirements of the said charter.

SEC. 2. *Be it further enacted,* That so much of the said 32d section of the aboverecited act, as requires that the agents or branches authorized to be established by the said bank, "shall be managed by a president and six

rectors, and that they shall be stockholders," be and the same is hereby sealed.

Sec. 3. *Be it further enacted,* That upon any shares in the capital stock said bank, which shall be paid up in money, the board of directors may declare dividends not exceeding eight per centum per annum, and the board of directors shall have power and authority to cause books for the transfer of shares thus paid, to be open in the city of New York, or elsewhere, under the superintendence of such agent or agents, and subject to such rules and regulations as they may prescribe.

Sec. 4. *Be it further enacted,* That the stockholders in general meeting shall have power and authority to designate what number of the directors appointed by the Legislative Council, and elected by the stockholders, not less than five, shall be sufficient to constitute a board for the transaction of the business of the said bank.

Sec. 5. *Be it further enacted,* That all parts of the aboverecited act, consistent with the provisions of this act, be, and the same are hereby re-enacted.

Approved February 14, 1835.

AN ACT to amend an act entitled "An act to incorporate the subscribers to the Union Bank of Florida."

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That if any stockholder, who has heretofore or may hereafter obtain a loan upon the pledge of stock as is contemplated in the fifth section of the act to which this is an amendment, shall neglect to redeem or pay up his stock-note for the space of thirty days after the same shall have become due, the shares so pledged shall be forfeited to the bank, and any premium that may be received from the sale thereof, shall inure and be added to the surplus profits of the bank.

Sec. 2. *Be it further enacted,* That it shall be the duty of the board of directors, when any shares may be forfeited as aforesaid, to proceed to sell the same at public outcry, to the highest bidder, before the banking house in the city of Tallahassee, after giving ten days' notice, by publication in all the papers published in Tallahassee, of the time and place of sale, and the purchaser shall within ten days thereafter, execute to the bank the bonds and mortgages necessary to constitute him a stockholder, and be subject to the same rules, regulations, and restrictions, and entitled to the same rights, privileges, and immunities, as are guaranteed to an original stockholder: *Provided,* that the forfeiture and sale of shares shall not operate to divest the bank of any lien which it may have had on the property of the defaulting stockholder, but the same shall remain bound for the security of any debt he may owe the bank, whether as payer, endorser, or security, until the same shall have been fully satisfied.

Approved March 1, 1839.

AN ACT to incorporate a Bank by the name and style of the Bank of Pensacola.

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That a bank shall be established in the city of Pen-

sacola, the capital stock thereof shall not exceed two hundred dollars, divided into shares of one hundred dollars each.

SEC. 2. *Be it further enacted,* That books for subscription opened on the 1st day of March next, and remain open for six Pensacola, under the superintendence of Samuel Patterson, Han John de la Rua, John Jerrison, jr., and George W. Barkley, and commissioners may open books to receive subscriptions at any place deemed advisable, under the superintendence of such persons as think proper; any three of the aforesaid commissioners shall be to perform the duties of their appointment: and if the number shall not be subscribed within the term of sixty days, they shall close the books open for six months and no longer; but the corporation, created, may at any future time open books to receive subscriptions for remaining shares unsubscribed, at such time and place, and under the superintendence of such persons as they may deem advisable and but in the meantime it shall be the duty of the commissioners if they shall have received \$15,000, to give notice of the same to the subscribers at the distance of twenty days, for proceeding to the choice of thirteen directors, and it shall be lawful for such choice then and there to be made, and the thirteen persons who shall be then and there chosen shall be the first directors, and shall be capable of serving until the 1st of January thereafter, by virtue of such choice, or until their successors shall be duly elected; and the directors elected at the first and subsequent election, shall elect a president, who must be a director of the aforesaid first chosen directors shall forthwith commence the operation of a bank.

SEC. 3. *Be it further enacted,* That three fourths of the amount of any share or shares, subscribed for, by the several and respective subscribers shall be paid in gold, silver, or United States' bank-notes, and the remaining fourth in current money of the Territory—one-fourth of the amount shall be paid at the time of subscribing, or within thirty days thereafter, to the commissioners—an eighth within sixty days thereafter, and the bank shall go into operation, and the remainder at such times as the directors of said bank shall require: *Provided,* that not more than twelve and a half per cent, upon said stock, shall be called in at any one time, and *and provided also,* that sixty days' notice be given before the same shall be required.

SEC. 4. *Be it further enacted,* That the subscribers to the said bank, their successors and assigns, shall be, and are hereby, created a corporation and body politic, in law and in fact, by the name of "The President and Directors of the Bank of Pensacola," and shall continue until the first day of January, one thousand eight hundred and eighty and by the name and style aforesaid, shall be, and are hereby, made and able in law to have, purchase, receive, possess, enjoy, and dispose of, themselves and successors, lands, rents, tenements, hereditaments, chattels, and effects, to an amount not exceeding, in the whole, one hundred thousand dollars, including the capital stock aforesaid; and to grant, sell, demise, alienate, or dispose of; to sue and be sued, and be impleaded, answer and be answered, defend and be defended in the courts of record, or any other place whatever; and also to make, use, a common seal, and the same to break, alter, and renew as they may see fit, and also to ordain, establish, and put in execution such by laws, and

and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws of this Territory and of the United States, and for the making whereof, general meetings of the stockholders may be called by the directors in the manner hereinafter specified; and generally to do and execute all acts, matters, and things, which a corporation, or body politic in law, may or can lawfully do or execute, subject to the rules, regulations, restrictions, and provisions, hereinafter prescribed and declared.

Sec. 5. Be it further enacted, That the directors of the bank for the time being shall have power to appoint such officers, clerks, and servants, under themselves as shall be necessary for the executing the business of said corporation, and to allow them such compensation for their services respectively as shall be reasonable; and shall be capable of exercising such other powers and authorities for the well governing and ordering the affairs of the said corporation as shall be described, fixed, and determined, by the laws, regulations, and ordinances, of the same.

Sec. 6. Be it further enacted, That the following rules, regulations, limitations, and provisions, shall form and be the fundamental articles of the constitution of the said corporation:

I. The number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold in the proportions following, that is to say: for one share, and not less than two shares, one vote; for every two shares, and not exceeding ten, one vote; for every four shares, above ten and not exceeding thirty, one vote; for every six shares, above thirty and not exceeding sixty, one vote; for every eight shares, above sixty and not exceeding one hundred, one vote; but no person, copartnership, or body politic, shall be entitled to a greater number than thirty votes. And after the first election, no share or shares shall confer a right of suffrage, which shall not have been holden three calendar months next previous to the day of election. Stockholders actually residents within the city of Pensacola may vote in elections, and such as may be absent, by proxy; and all other stockholders may vote by proxy or in person; none but stockholders, being citizens of the Territory, shall be eligible as directors.

II. Not less than five directors shall constitute a board for the transaction of business, of whom their president shall always be one, except in cases of sickness or necessary absence; in which case, his place may be supplied by any other director whom he, by writing, under his hand, shall nominate for that purpose.

III. A number of stockholders, not less than twenty, who, together, shall be proprietors of one hundred shares or upward, shall have power, at any time, to call a general meeting of the stockholders for purposes relative to the institution, giving at least four weeks' notice in some public paper in Pensacola, where the bank is kept, and specifying in such notice the object or objects of such meeting.

IV. Every cashier, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than ten thousand dollars, with condition for the faithful performance of his duties.

V. Lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business; and such as shall have been *bona fide* mortgaged to it by way of security; or conveyed to it in satisfaction of debt previously contracted in the course

of its dealings; or purchased at sales upon judgments, which s been obtained for such debt.

VI. The total amount of debts which the said corporation sha time, owe, whether by bond, bill, or note, or other contract, shall n the sum of six hundred thousand dollars over and above the sum tually deposited in the bank for safekeeping, unless the contracti greater debt shall have been previously authorized by a law of t tory. In case of excess, the directors under whose administrati happen shall be liable for the same in their natural and private c and action of debt may, in such cases, be brought against them, them, their, or any of their heirs, executors, or administrators in of record of the Territory by any creditor or creditors of said co and may be prosecuted to judgment and execution, any condit nant, or agreement, to the contrary notwithstanding; but this sh construed to exempt the said corporation, or the lands and teneme and chattels, of the same from being also liable for, and charge the said excess; such of the said directors who may have been ab the said excess was contracted or created, or who may have disse the resolution or act whereby the same was so contracted or crea respectively exonerate themselves from being so liable by forthwi notice of the same, and of their absence or dissent, with or before tary public, and to the stockholders at a general meeting, which have power to call for that purpose.

VII. The said corporations shall not directly, or indirectly, dea in any thing except bills of exchange, gold or silver bullion, or i of goods really and truly pledged for money lent, and not redeem time, or of goods which shall be the produce of its lands. Nei the said corporation take more than at the rate of eight per centu num, for or upon its loans or discounts.

VIII. The stock of said corporation shall be assignable and tr according to such rules as shall be instituted in that behalf by the ordinances of the same.

IX. The bills obligatory and of credit under the seal of said co which shall be made to any person or persons, shall be assignat dorsement thereupon, under the hand or hands of such person o and of his, her, or their assigns or assignees, and so as absolutely t or vest the property thereof in each and every assignee or assign cessively, and to enable such assignee or assignees to bring and an action thereupon in his, her, or their own name or names. or notes which may be issued by order of the said corporation, the president, and countersigned by the cashier thereof, promising ment of money to any person, or persons, his, her, or their order, bearer, though not under seal of the said corporation, shall be bi obligatory upon the same in like manner, and with the like force s as upon any private person, or persons, as if issued by him or the her, or their natural or private capacity, or capacities, and shall tiable and assignable in like manner as if they were so issued by vate person or persons—that is to say: those which shall be p any person or persons, his, her, or their order, shall be assignab dorsements in like manner and with like effect, as foreign bills of now are, and those which are payable to bearer, shall be negotiab signable by delivery only.

X. Half yearly dividends shall be made of so much of the profits of the bank as shall appear to the president advisable; and once in every year, the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of all the business relative to the bank, and divide the surplus profits.

Sec. 7. *Be it further enacted,* That no notes shall be negotiable at the bank, unless it be so expressed on the same.

Sec. 8. *Be it further enacted,* That after the first election of directors, they shall be annually elected at the banking house, on the first Monday in January, in each year, by the qualified stockholders of the capital of said bank, and by a plurality of votes, then and there actually given, according to the scale of voting; and in case of the death, resignation or removal of the president, the directors shall proceed to elect another out of the directors, for the time being; and in case of the death, resignation, or removal of a director, his place may be supplied by a majority of the board of directors.

Sec. 9. *Be it further enacted,* That no director shall be entitled to any payment of salary, except the president of the said board, who may, in the discretion of the said directors, be allowed a reasonable compensation for extraordinary services, or in the other business thereof.

Sec. 10. *Be it further enacted,* That it shall be the duty of the president and directors of said bank, when required by the Legislature of the State or Territory of Florida, to render to them a statement of the amount of stock actually paid in upon stock subscribed, amount of bills issued, and amount due on loans, or on purchase of bills of exchange.

Sec. 11. *Be it further enacted,* That immediately on dissolution of said corporation, effectual measures shall be taken by the existing directors for settling all the concerns of the company, and divide the capital and profits which may remain among the stockholders, in proportion to their respective shares; and it shall be lawful for the directors aforesaid, to use the corporate name, style, and capacity of the company, for the purpose of suits, for the liquidation of, and settlement of the affairs and accounts of the corporation, and upon the sale or disposition of their estate, real, personal, and mixed, but not for any other purpose, nor in any other manner whatsoever.

Sec. 12. *Be it further enacted,* That the directors of said bank, shall, for and during the term of ten years, reserve for the Territory or State in which the bank may be in operation, twenty-five thousand dollars of the capital stock of said bank; and at any time the Legislature of the State or Territory shall have the aforesaid twenty-five thousand dollars of the capital stock, or any part thereof, subscribed for; then the Governor of the State or Territory shall have power to appoint a number of directors, proportionate to the number of shares held by the Territory or State, in said bank; and the stockholders shall, at the next annual election, proceed to the election of the residue of the directors, as authorized by this act.

Sec. 13. *Be it further enacted,* That the president and directors shall, at any time, be authorized to issue a greater amount than three times the actual amount of capital paid in.

Sec. 14. *Be it further enacted,* That any person or persons who may fail to pay for stock by them subscribed when the instalments become due, the president and directors may pass an order forfeiting all payment or payments that may have been made on such stock, and cause the same to be sold at public auction, or otherwise, and shall be authorized to transfer

such stock to the purchaser ; the proceeds of the stock forfeited, after such expenses as may accrue, shall be applied to the use of the corporation and if it should happen, at any time, that the election of directors not take place on the day provided for electing them, the president and directors for the time being shall appoint a day for that purpose within ten days thereafter.

SEC. 15. *And be it further enacted*, That the personal property and every of the stockholders shall be pledged and bound in proportion to the amount of shares held by each, in his, or her natural, private, individual capacity, for the ultimate redemption of the bills or notes issued by, or from, said bank, during the time he or she may hold such stock.
Approved January 19, 1831.

AN ACT to alter and amend the charter of the Bank of Pensacola.

SEC. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the number of votes to which each stockholder in said bank shall be entitled, shall be in proportion to the number of shares which he shall hold ; that is to say, one vote for each and every share after the first election no share or shares shall confer a right of election which shall not have been holden three calendar months next, previous to the day of election. Stockholders actually resident within the city of Pensacola may vote in elections, and such as may be absent by proxy—all stockholders may vote by proxy or in person. None but stockholders who are citizens of the Territory shall be eligible as directors.

SEC. 2. *Be it further enacted*, That the commissioners of said bank be and they are hereby authorized to keep open the books for receiving subscriptions in Pensacola, and such other place or places, and under the supervision of such persons as they may think proper, until the first Monday in January next ; and in the meantime, when they shall have received ten per cent upon seventy thousand dollars, they shall give notice to the stockholders for the election of directors, as is provided in the second section of the act to which this is an amendment, any thing in the same to the contrary notwithstanding.

SEC. 3. *Be it further enacted*, That any number of stockholders owning two hundred shares or upward, shall have power at any time to call a general meeting of the stockholders for any purpose or purposes relating to the institution—giving at least four weeks' notice in some public newspaper printed in Pensacola, and specifying in such notice the object or objects of such meeting.

SEC. 4. *Be it further enacted*, That the directors of said bank, when they shall have gone into operation, shall have power to call for such portions of the capital stock as they may deem necessary, not exceeding ten per cent. at any one time ; giving at least sixty days' notice by advertisement as aforesaid.

SEC. 5. *Be it further enacted*, That the number of directors of said bank shall be seven instead of thirteen.

SEC. 6. *Be it further enacted*, That every provision of the act to which this is an amendment, repugnant to, or inconsistent with, this act, to the same is hereby, repealed.

Approved January 23, 1832.

AN ACT to extend the time limited by law for the subscribing for the stock of the Bank of Pensacola.

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the time for subscribing for the capital stock of the Bank of Pensacola be, and the same is hereby, extended until the first day of January, which will be in the year 1834.

Sec. 2. *Be it further enacted,* That the act to incorporate the Bank of Pensacola, passed January 31, 1831, and an act entitled "An act to amend the charter of the Bank of Pensacola, passed January 23, 1832, be, and the same are hereby, revived and continued in full force.

Approved January 29, 1833.

AN ACT supplemental to the several acts incorporating the Bank of Pensacola.

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the stockholders of the Bank of Pensacola be, and they are hereby, authorized in general meeting to make a by-law, providing, when any exigency may arise, so that five directors cannot be present at a meeting of the board, the business of the bank shall be transacted by such number of directors as the stockholders shall deem prudent and advisable.

Approved February 11, 1834.

AN ACT to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said bank, and other purposes.

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the capital stock of the Bank of Pensacola is hereby allowed to be increased to the sum of two millions five hundred thousand dollars, to be held in shares of one hundred dollars each, in the same manner as prescribed in the acts incorporating said bank; and to enable said increased stock to be subscribed for, the directors of said bank are authorized to open books of subscription for additional shares at the banking-house of said bank in Pensacola, under the superintendence of the cashier of said bank at such time as said directors may appoint; and the additional stockholders shall be entitled to all the privileges and benefits, and subject to all the liabilities and obligations of the original subscribers, and other stockholders of said bank, under the original charter, and the amendments thereto.

Sec. 2. *Be it further enacted,* That said board of directors shall have the power to establish one or more branches at such places in West Florida as they may deem expedient, and with such sub-directors and other officers as a majority of the said directors may appoint; under such rules and regulations, and investing said officers with such powers as said majority may prescribe, not inconsistent thereto, or to such other laws as are, or may be, enacted respecting said bank; and also to issue notes and other liabilities, payable at such branches as may be deemed expedient.

Sec. 3. *Be it further enacted,* That the Bank of Pensacola shall be authorized to purchase any shares of the stock of the Alabama, Florida,

and Georgia Railroad Company, which are or may be subsc to subscribe for other shares therein, according to the stipt charter of said Alabama, Florida, and Georgia Railroad Com amount as the directors of said bank may deem expedient ; at the privileges and immunities of stockholders, and by its du agent or agents to vote and act as such to all intents and purpos the same as an individual stockholder could or might do ; an where, by the charter of said company, it is requisite that of stockholders, the directors of said bank shall be eligible to company in right and by virtue of the stock held and owned therein as aforesaid.

SEC. 4. *Be it further enacted*, That, to enable the bank t subscribe for such stock, the said bank is hereby authorized issue its bonds, payable to the Territory of Florida, for a sum five hundred thousand dollars ; which said bonds shall be t one thousand dollars each, and shall bear an interest from th at the rate of six per cent. per annum, payable semi-annually, or places within the United States or this Territory as m most expedient ; and said bonds to be payable after the first da 1860, and when it shall be satisfactorily made to appear to th this Territory that said bank has so purchased or subscribed t as aforesaid, and on presentation of such bonds to the Govern ritory, he shall endorse upon so many thereof as may be equi paid for the stock so purchased or subscribed as aforesaid, the dorsement, viz :

TERRITORY OF FLORIDA :

In pursuance of the laws of this Territory, the within bond signed and made payable to the bearer thereof, and the pay and the interest thereon as within stipulated, is hereby guar Territory of Florida, and the faith of the Territory is pledg demption thereof.

Given under my hand and the great seal of said Territor
[L. s.] ecutive Office, this day of
 of the Independence of the United States
By the Governor.

Secretary.

Governor

And which bonds shall be attested by the Secretary, and t thereto without fee, and the Governor shall thereupon delive the said bank, in order that by the sale thereof, said bank m to pay for such purchase or subscription as aforesaid, and t said bonds to the purchaser by said bank shall entitle such pur the same, and demand and receive the principal and interest due, as the assignee of the Territory as aforesaid : *Provided*, no sale of any of said bonds shall be valid, if made for less th of principal and interest specified therein, nor shall any purc be made for more than its intrinsic par value.

SEC. 5. *Be it further enacted, and it is hereby declared t and intention of this law*, That the moneys so raised by said b said, except as hereinafter in the eighth section thereof spec

forthwith exclusively appropriated to the building and making of said Alabama, Florida, and Georgia railroad, commencing and finishing such portion thereof as is to be made within this Territory, in the first place, and continuing the same therefrom into the State of Alabama, as provided in the charter of said company: and it is hereby declared to be the duty of said bank, and its officers and agents to carry this object and intention into effect by their votes and acts as far as possible, both as officers and stockholders of said bank, and also of said railroad company.

Sec. 6. *Be it further enacted,* That whenever the said Alabama, Florida, and Georgia Railroad Company shall call in any instalments of the stock of said company, in order to enable said bank to pay such instalments on the stock so purchased or subscribed for as aforesaid, the said bank is further authorized from time to time, as may be necessary, to issue an additional number of its bonds, as specified in the fourth section hereof; and which bonds on presentation to the Governor of this Territory, he is here required to endorse in like manner as is specified in said fourth section, which bonds shall also be attested by the secretary, and the seal affixed thereto without fee and the same be delivered to said bank for sale, and the delivery thereof to the purchaser shall give the same rights as specified in said fourth section, with regard to the bonds therein mentioned; and no sale of such bonds for less than the amount of principal and interest therein specified shall be valid: *Provided, however,* that it shall be made to appear satisfactorily to the Governor, before making such endorsement, that one mile of said railroad for every ten bonds, so presented to him for endorsement, has been constructed and finished by the company; and thereafter each and every mile of said road, upon which any bonds as aforesaid shall be issued, shall be and inure to the Territory of Florida, with all its rights and privileges, for the redemption by said company of the bonds so issued; and until they be redeemed, said lien shall continue to the Territory.

Sec. 7. *Be it further enacted,* That to secure and indemnify the Territory for the aforesaid guarantee of said bonds, the said bank, at the time of the endorsement of the bonds first given by said bank, shall execute and deliver to the Governor of the Territory, for the Territory of Florida, an hypothecation of the capital stock of said bank and of all its property, real and personal, and assets which it may then and thereafter hold or have, and of the stock it may then or thereafter hold, in the said Alabama, Florida, and Georgia Railroad Company in such form and manner as the Governor may direct; which hypothecation is hereby declared to be and continue a lien, upon the said capital stock, property, and assets; and said stock in the said railroad, and also such portion of said railroad as is within this Territory in preference to all other claims and liens, until said bonds are fully paid and extinguished.

Sec. 8. *Be it further enacted,* That the said bank shall be permitted to appropriate one third of the amounts so raised by the said bonds for the purposes of banking: *Provided, however,* that no dividends of profit shall be made among the stockholders, until all such bonds are extinguished and paid, or a fund sufficient therefor created; but the said profits and all the profits of the stock owned by the said bank, in said Alabama, Florida, and Georgia Railroad Company, shall be exclusively appropriated to the payment of the interest and principal of said bonds, as aforesaid, or the creation of such fund; and the stockholders of said bank, and of said

railroad, shall be individually and personally liable for the redemption of said bonds.

SEC. 9. *Be it further enacted*, That the president and cashier of said bank shall make semi-annual returns, under oath, to the Governor of this Territory of the condition and state; and the Governor shall have power, whenever he may deem it necessary, to appoint a commissioner to examine fully into the accounts and management, and make report thereof to him for the information of the Governor.

SEC. 10. *Be it further enacted*, That it shall be the duty of the said Bank of Pensacola, on or before the first day of January, eighteen hundred and thirty six, to establish in the town of Marianna a branch of said bank with a capital of not less than fifty thousand dollars; and the directors of said Bank of Pensacola shall have authority to elect the president, and directors of said branch, and to fix the salaries thereof, and to make such laws necessary for the government of said branch.

SEC. 11. *Be it further enacted*, That the acts incorporating the Bank of Pensacola and this act shall continue in force as long as the charter of the Alabama, Florida and Georgia Railroad Company, and until said bonds are all paid and extinguished, or a sufficient fund created therefor. A tax shall be levied or assessed on the stock of said road within this Territory, but after the same are so paid, or a fund created as aforesaid, a tax shall not be levied or assessed on the stock of said road, but a tax shall be levied and paid by other banks of this Territory may be assessed.

Approved 14th February, 1835.

AN ACT supplemental to the several acts incorporating the Bank of Pensacola

SEC. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the directors of the bank created by the act to which this is an amendment, shall be stockholders, citizens of the United States and residents of the Territory, and shall have resided therein at least thirty days before their election.

SEC. 2. *Be it further enacted*, That the eighth section of the act "An act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said bank, and for other purposes," approved the tenth day of February, in the year one thousand eight hundred and thirty-five, be, and the same is hereby repealed, and the amounts heretofore raised, or that hereafter may be raised, upon the bonds of the bank appropriated to the payment of the instalments on the stock owned by said bank in the Alabama, Florida, and Georgia Railroad Company, the profits and dividends the said bank may receive on its stock in said railroad company, shall not be divided among the stockholders of said bank, but the said profits and dividends shall be exclusively appropriated to the payment of the principal and interest of the bonds authorized in said act to be issued: *Provided, however*, that whenever there is a fund sufficient to pay the principal and interest of said bonds, the excess of the dividends on the stock owned by said bank, in said railroad company, shall be added to the profits of the bank, and divided in the manner herein prescribed.

SEC. 3. *Be it further enacted*, That so much of the eleventh section of the act recited in the foregoing section, as provides that no tax shall be

granted on the stock of said bank, be and the same is hereby repealed ; and that hereafter the said bank shall pay annually into the treasury of the Territory or State of Florida, the sum of two per centum on the net profits thereof, which shall be in full of all Territorial, State, or city taxes whatever.

Approved February 10, 1838.



AN ACT to incorporate the Southern Life Insurance and Trust Company.

Sec. 1. *Be it enacted by the Governor and the Legislative Council of the Territory of Florida,* That from the time this act shall take effect, Andrew Anderson, Daniel S. Griswold, John B. La Forge, John M. Hanson, Joseph M. Hernandez, John Drysdale, Wm. H. Simmons, Edwin T. Jackson, J. D. Hart, James Dell, Joseph B. Lancaster, John W. Richard, L. Clinch, John H. McIntosh, Joseph M. White, Richard K. Call, Ben. Jones, Abraham Bellamy, W. G. Porter, E. J. Harden, J. C. McClay, J. H. Chase, Walter Gregory, H. Hyer, P. C. Green, F. A. Brown, O. Thomas, and R. Fitzpatrick, their associates, and successors, be, and they are hereby constituted and made a body politic and corporate under the name of the "Southern Life Insurance and Trust Company," to be located at the city of St. Augustine ; and by that name may sue, and be sued, plead, and be impleaded, answer, and be answered unto, in all courts having competent jurisdiction ; and may have and use a common seal, and the same, break, alter, and renew, at pleasure ; and are vested with all the powers and privileges necessary to the objects of their incorporation as hereinafter defined.

Sec. 2. The said company shall have power, 1st, to make insurance on lives ; 2d, to grant and purchase annuities ; 3d, to make any other contingent contracts, involving the interest of money and the duration of life ; 4th, to receive moneys in trust and to accumulate the same at such rates of interest as may be obtained, or agreed on, not exceeding at the rate of eight per cent. *per annum*, or to allow such interest thereon as may be agreed on ; 5th, to accept and execute all such trusts of every description as may be committed to them by any person or persons whatsoever, or may be transferred to them by any of the courts of this Territory, or by any court as a court of equity ; 6th, to receive and hold lands under grants, with such general trusts, or covenants, so far as the same may be taken in payment of debts or in security of their capital or loans, or debts due them, or raised upon sales under any law of this Territory as may be necessary to protect the rights of the said company, and the same again to sell, convey, and dispose of ; 7th, to buy, discount, and sell, drafts, promissory notes, bills of exchange ; 8th, to establish and locate branches for carrying on its business.

Sec. 3. In all cases where any court has jurisdiction for the appointment of a guardian of any infant, the annual income of whose estate shall exceed a sum of one hundred dollars, such court shall have power to appoint the said company as a guardian of the estate of such infants.

Sec. 4. On any sum, not less than one hundred dollars, which shall be collected or received by the said company in its capacity of guardian or receiver, an interest shall be allowed by the said company of not less than

at the rate of four per cent. annually, which interest shall be paid on the moneys, so received, shall be duly expended or distributed.

SEC. 5. Where the annual income of an infant, of whose company shall be guardian, shall exceed the sum allowed, the same shall be sufficient for the education and support of such infant, and the income shall be at the sole risk of said corporation, and for all moneys, the capital stock, property, and effects, of the said corporation shall be absolutely liable.

SEC. 6. The capital stock of the said corporation shall be one million dollars, which shall be divided into shares of one hundred dollars each, and may be increased by the said company, from time to time, in such manner as may be determined by the said company, but not exceeding four millions of dollars; and if, at any time, when the books shall be closed, a larger amount of stock be subscribed than is proposed for, the same and larger subscribers shall be curtailed; so that all who subscribe shall be enabled to procure it. The whole of said capital shall be loaned and invested in bonds or notes drawing interest not exceeding eight per cent. per annum, secured by unencumbered real or personal estates, lying and being in the Territory of Florida, the value, in each case, of the sum so secured, which real and personal estates shall be conveyed to the President of said company, his successors, and assigns, with an express trust power, on default of the payment of the principal and interest, according to the tenor of such bonds or notes, to sell the said real or personal estate, or so much thereof as may be necessary to pay the sum in arrear and the incidental expenses, and to pay the proceeds of such sale (if any), on demand, to whom they may belong; but before any liability, as is hereinafter provided, shall be incurred by this Territory, the valuation to be made shall be approved by the Governor and Legislative Council, or by the Governor and the Governor, from time to time, shall have power to appoint one or more said commissioner or commissioners; and for every approval of such valuation each one shall be entitled to receive five dollars, to be paid by the Territory; and every one who shall be so appointed, before acting, shall first subscribe an oath, before a judge of the superior court, that he will faithfully judge and report on the value of said mortgaged property submitted to him, and the said valued and mortgaged property, when received by the corporation, shall be recorded in the county of St. John's, and the registry thereof shall be sufficient, in law, to bind the property, and thereafter the same shall be redeemable; but shall remain as a security for the ultimate payment of the principal and interest of the liabilities of this said company—and the president and his successors in office, in case of default, are hereby enabled and authorized to take, hold, and sell the said real or personal estate in pursuance of said trust, and to sell the same at public auction; but, in all cases shall give twelve weeks' notice of such sale, by advertising the same in one or more newspapers published at the seat of government, and also in a newspaper nearest the place where sold at the time and place of such sale or sales—said advertisement shall be published at least once in each week: *Provided*, that no increase of capital shall at any time be ordained by the said company, without the consent of the holders of a majority in amount of the stock or representatives.

SEC. 7. All the corporate powers of said company shall be vested in a board of trustees, and such officers, agencies, and branches

establish and locate. The board of trustees shall consist of ten persons, all of whom shall be stockholders to the number of thirty shares; and three directors to be appointed annually by the Governor and Legislative Council, after the guarantee shall have been required, who may or may not be stockholders. They shall annually elect a President from their own body, and shall have power to declare by a by-law what number of trustees, less than a majority of the whole, shall be a quorum for transacting business, and the expense of drawing securities, and other papers, and examining titles, &c., shall be paid by the applicants for loans.

Sec. 8. The trustees shall severally hold their offices during good behavior, but the court of appeals shall have power to remove a trustee, on such notice to be heard, as they shall deem reasonable on the application of a person interested, for a misdemeanor in office. The said board of trustees shall be divided into five classes, consisting of two members each, and so arranged that the term of service of one of each of said classes shall expire at the end of every two succeeding years—to be divided by lot, so that two trustees shall be appointed every two years.—Every vacancy occurring in the board of trustees, by death, resignation, or otherwise—other than by the expiration of classes—shall be supplied by the choice of the remaining trustees; and, in all cases, the votes of two-thirds of all the trustees, at the time being, shall be requisite to a choice. No person shall be eligible who shall not have been openly nominated at a meeting of the trustees, at least one month before the day on which the election is held, and the name of every person, so nominated, shall be published for three successive weeks previous to the day of election in one or more of the newspapers printed in the Territory of Florida: *Provided*, that when vacancies shall occur, by expiration of classes, the same shall be supplied by elections to be held by the stockholders of said corporation; and elections held for the purpose of supplying such vacancies shall be held as near as may be, in accordance of, and according to the provisions of the 10th section of this act, except that notice of the time and place of holding such elections shall be given by the trustees of said corporation instead of being given by the commissioners, as is in said section provided.

Sec. 9. That Lot Clark, Robert Raymond Reid, and Thomas Douglas, shall be, and are hereby appointed commissioners, whose duty it shall be, within nine months after this act shall be in force, at the time and place in said Territory fixed by said commissioners for that purpose, to open books for receiving subscriptions to the capital stock; the books shall be opened at the hour of ten in the morning on the day fixed by the commissioners, and shall be kept open from time to time, by adjournment, until the whole stock shall be subscribed, not exceeding thirty days; public notice shall be given for at least sixty days, in three or more newspapers published in the Territory, of the time and place of opening the books for receiving subscriptions to the capital stock of said corporation. *Provided*, that if the said stock shall not be subscribed within thirty days, the said commissioners shall have power to re open the books at any time or times thereafter, within three years, under such regulations as are hereafter specified.

Sec. 10. So soon as said stock shall be taken, the said commissioners shall notify the subscribers to said stock, by publication in one or more newspapers published in the said Territory, for thirty days, to meet at such time and place, as in such notice they may direct, to elect ten persons from among the said subscribers to constitute the first board of trustees under

this charter ; and when the said subscribers, or so many thereof as may have assembled at the time and place fixed for the opening the polls of the said election, they shall appoint four disinterested and respectable freeholders of the Territory of Florida, judges of the said election, who shall proceed to discharge the duties hereby required of them, that is to say, they shall receive the votes of the said subscribers either by person or proxy, duly authenticated, in writing, allowing to each subscriber one vote for each share by him held, and they shall carefully note each vote in duplicate books prepared for that purpose, and after having taken all the votes which may be offered within the time fixed by said notice, the said judges shall count said votes and certify the number of votes given to each person, and thereupon they shall forthwith hand over the said poll books, to the said commissioners, the one for the company and the other to be transmitted to the secretary of the treasury ; and the ten persons having the highest number of votes shall be the said trustees, and thereupon their powers and authority as said trustees shall commence.

SEC. 11. That so soon as the said trustees are elected, they shall organize and notify the Governor of this Territory, that they are ready to commence business, and thereupon the said Governor shall appoint some suitable person to examine and ascertain the amount of moneys paid in upon the first instalment of said capital stock, whose duty it shall be, at the expense of the said company, to make such examination and ascertain by the oath of the president, that the said capital has been *bona fide* paid in by the said stockholders of the said company, in payment of the first instalment under the regulations of the said charter, and for no other purpose whatever, and that it is intended to be and received as part of said capital stock, and forthwith make due return thereof to the Governor. who on the return being made to him as aforesaid, and the sum of two hundred thousand dollars of the capital stock of said company, has been paid in, in specie or its equivalent, shall cause proclamation to be made of the same, under the great seal of the Territory, which shall be published at the expense of said company in one or more newspapers published in said Territory, and on the first publication of said proclamation, it shall be lawful for said company to commence business, and not before.

SEC. 12. Each subscriber shall, at the time of subscribing, pay to the commissioners receiving the same, the sum of ten dollars on each share by him subscribed, and after the shares shall have been subscribed, each stockholder shall pay an instalment of ten dollars on each share so held by him, at the expiration of six months thereafter, at such place or places as the trustees shall appoint, of which time and place or places at least six weeks' public notice shall be given, and within three years after the said stock shall have been subscribed, the whole amount remaining due, shall be paid in such instalments as the trustees may direct, of which the same notice shall be given.—The shares of every stockholder, omitting to make such payment, shall be forfeited, together with all previous payments made thereon, and the books shall be again opened as directed in the 9th section, for subscription, and so from time to time, until all shares are subscribed and paid for.

SEC. 13. Every trustee of said corporation shall be a stockholder to the amount of thirty shares at least, and the seat of every trustee ceasing to be a stockholder to that amount, shall be immediately considered and held *vacant*.

Sec. 14. The certificates of stock and of moneys received in trust, issued by the said corporation, shall be assignable on the books of the corporation, to be kept at such place or places, and under such regulations, as the board of trustees shall establish.

Sec. 15. The trustees shall have a discretionary power of investing the premiums and profits received by the company, and the moneys received by them in trust, in public stocks of the United States, or of any individual State, or in the stocks of any incorporated city, or in such real or personal securities, as they may deem proper, or loan the same to any county, city, incorporated town, or company.

Sec. 16. The board of trustees shall exhibit, annually, to the court of appeals of this Territory, on such day as the said court shall appoint, a full statement of their affairs, in such form, and verified in such manner as the said court shall direct. The said court of appeals, should they deem it necessary, may refer such statement to a commissioner, or master, to be appointed by said court, with directions to make a full and thorough investigation into the affairs and management of the company, and to report his opinion in relation to the ability and integrity, with which its affairs are managed—the prudence and safety of its investments—the security afforded to those by whom its engagements are held, and such other matters as the said court shall direct, touching the safety of said corporation.

Sec. 17. A copy of every statement made as aforesaid, and of every report made by a commissioner or master, shall be transmitted by the said court to the Legislative Council at its annual session; and the Legislative Council shall have power at all times to appoint a committee from its own body, whose duty it shall be to examine the condition and affairs of said body politic and corporate, to inspect the books and minutes and proceedings of the board of trustees, to ascertain the amount of deposits therein, an exact list of balances due to and from said body politic and corporate, all other affairs of the same, and make a report thereon at such times as they may be instructed and directed; and if the Legislative Council shall be of the opinion that said company have violated any of the provisions of its charter, they shall have power to order a writ *facias* to be issued by said court of appeals, for the purpose of determining whether the charter of the said company ought not to be vacated for infraction.

Sec. 18. For all losses of money which the capital stock shall not be sufficient to satisfy, the trustees shall be responsible in the same manner and to the same extent that trustees are now by law responsible, in law or equity.

Sec. 19. The company shall have power to issue bills or notes other than drafts or bills of exchange, to the amount of the capital actually paid in, and shall not exceed the same, on pain of forfeiture of their charter. Said bills and notes to be signed by the president and secretary or cashier of said corporation; and said corporation shall never refuse or suspend the payment in specie of any of their notes or obligations, or of any funds received by them in deposit, on lawful demand being made; and if the said corporation shall refuse or suspend payment, the bearer of any note or obligation, or any person having the right to demand or receive the amount of funds deposited as above mentioned, shall be entitled to recover interest at the rate of twelve per cent. per annum, until they shall tender payment thereof, with interest as aforesaid, in specie at their

counter; and unless payment shall be so made, or a tender thereof, within ninety days, the charter of the said company shall be considered forfeited, and they shall cease all operations as a corporation, except so far as shall be necessary to close their concerns, and fulfil existing contracts.

SEC. 20. The capital stock of said corporation shall be taxed at the same rates as all other personal property of the said Territory, and not otherwise; and that no tax shall at any time or times be hereafter levied against the said corporation beyond the amount of five thousand dollars in any one year.

SEC. 21. To enable the said company to make loans and discounts beyond the amount of their capital, to be paid in by the stockholders as aforesaid, they may issue certificates of one thousand dollars each, bearing not more than six per cent. interest, redeemable within the range and limit of the charter, at such times as the Governor and the company may agree on, and present the same to the Governor or acting Governor of this Territory, whose duty it shall be to endorse thereon "Guarantied by the Territory of Florida," and sign his name and title of office thereto, and return the same to the said company; and the faith of the said Territory is hereby pledged as security for said company, for the faithful payment of such certificates, according to the tenor and effect of the same: but no greater amount of certificates shall be at any time endorsed than may be equal to the debts placed under mortgage to the company, at the time of making application, to be secured after the mode and in conformity to the manner pointed out and directed in the sixth section of this act. And in case the said company shall make default in payment of the principal or interest of such certificates, it shall be the duty of the court of appeals of said Territory, on being certified of the fact, by the Governor, to issue an appropriate process to any marshal of said Territory, commanding him to take so much of the money, choses in action, or other effects or property of the said company, and bring the same into court forthwith, as will be sufficient to indemnify the Government from loss by reason of such default, and the court is hereby empowered to direct the disposal of the same: *Provided*, when this guarantee is asked for, the Governor and Council shall have power to appoint three directors, who may, or may not, be stockholders.

SEC. 22. This act shall not be construed to confer on the said company any right or power to make any contract, or to accept or execute any trust whatever which it would not be lawful for any individual, when not restrained by statute, under the general rules and law, which are or shall be in force, to make, accept, or execute.

SEC. 23. The said trustees shall, on the first Monday of January and July, annually, make and declare such dividends resulting from the profits of the said company as they may think proper, but shall not impair nor in any wise lessen the capital stock; and shall cause the said dividends to be paid on demand to the stockholders thereof, at such place or places as by a by-law they may appoint.

SEC. 24. The said trustees may choose annually from their body a vice president, who shall perform all the duties of the president, in case of his absence or inability to perform said duties.

SEC. 25. This law shall remain unalterable, without the consent of the trustees of the said company, until the expiration of fifty years from its

passage; nor shall it at any time hereafter be so altered as to prevent the execution by the company of any subsisting contract.

Sec. 26. This act shall be taken and received in all courts, and by all judges, magistrates, and all other public officers, as a public act, and shall receive, on all occasions, a favorable construction; and all printed copies of the same, which shall be printed by, or under the authority of the Legislative Council, shall be admitted as good evidence thereof, without any other proof whatever.

Approved February 14, 1835.

AN ACT to amend an act entitled "An act to amend the charter of the Southern Life Insurance and Trust Company," approved February, one thousand eight hundred and thirty-six.

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That it shall be lawful for the trustees of the Southern Life Insurance and Trust Company to defer any further calls or payments on the capital stock of the Southern Life Insurance and Trust Company, to any period not exceeding two years beyond the time or times whereby the terms of their charter, or the amendatory act hereby amended, they would be required to call the same: *Provided*, That nothing herein contained shall be construed to compel the said trustees to defer such calls, when in their discretion they may deem it advisable.

Approved February 12, 1837.

AN ACT further to amend the charter of the Southern Life Insurance and Trust Company.

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That in lieu of the manner now prescribed by law, for the said company to report, the trustees shall, annually, on the first day of January, or within fifteen days thereafter, report to the Governor of this Territory, a full statement of their affairs, verified by the oath of the president and cashier, taken before some officer duly authorized to administer oaths.

Sec. 2. *Be it further enacted*, That the trustees of the said company shall be elected annually; the first annual election shall be held on the first Monday of December next, when the offices of trustees first elected shall expire; but every board of trustees shall hold their offices until their successors are elected and organized.

Sec. 3. *Be it further enacted*, That said company may, in their discretion, authorize any of the stockholders to surrender their certificates of capital stock, and take an amount of certificates of full stock, equal to the amount of payment on the stock so surrendered, and the said company may hold or reissue such overplus stock.

Sec. 4. *Be it further enacted*, That the said company may use two-fifths of their capital stock paid in, or which may be hereafter paid in, for ordinary banking purposes, within the Territory of Florida, any thing in the sixth section of their charter to the contrary notwithstanding: *Provided*, however, That they shall have no right to claim or receive the guarantee of said Territory for any sum beyond the amount actually loaned upon

bonds or notes, secured by mortgage upon real and personal estate, agreeably to the provisions of the sixth section of their charter.

SEC. 5. *Be it further enacted,* That the said company may call in the residue of their capital stock at any time within the period of five years from and after the first day of January, one thousand eight hundred and thirty-nine.

SEC. 6. *Be it further enacted,* That in lieu of the penalties and forfeitures imposed by the nineteenth section of the act creating the said corporation, in refusing or suspending the payment of specie for its notes or obligations, or of any fund received by them in deposit, for the term of ninety days, that if the said corporation shall at any time hereafter refuse or suspend payment in specie on any of its notes or obligations, or of any funds deposited with said company, on lawful demand being made, the bearer of such notes or obligations, or any person having the right to demand or receive the amount of funds deposited as above mentioned, shall be entitled to recover interest at the rates of ten per centum per annum on the amount, until the said company shall tender payment thereof, with damages as aforesaid, in specie at their counter.

SEC. 7. *Be it further enacted,* That no person who is not a resident of the Territory shall be a trustee of said institution.

Approved February 11, 1838.

Date of mortgage.	Names of mortgagers.	Counties in which mortgagers reside.	Name of mortgager.
July 1, 1838	Lot Clark and Vena his wife -	St. John's - -	Lot Clark
April 1, 1837	John M. Hanson and Margaret Cook.	St. John's - -	Lot Clark
March 23, 1839	Kingsley B. Gibb - -	St. John's - -	Lot Clark
April 29, 1839	Augustus Poujand - -	St. John's - -	Lot Clark
June 13, 1837	Susan Murphy - -	St. John's - -	Lot Clark
January 1, 1839	Peter Sken Smith - -	St. John's - -	Lot Clark
May 14, 1838	Peter Sken Smith - -	St. John's - -	Lot Clark
July 1, 1839	Duncan L. Clinch - -	Camden county, Ga.	Lot Clark
Feb. 28, 1835	John George Anderson and Jane his wife, and James K. Anderson.	Musquito - -	J. & C.

bonds or notes, secured by mortgage upon real and personal estate, subject to the provisions of the sixth section of their charter.

SEC. 5. *Be it further enacted*, That the said company may sell the residue of their capital stock at any time within the period of one year from and after the first day of January, one thousand eight hundred and thirty-nine.

SEC. 6. *Be it further enacted*, That in lieu of the penalties and fines imposed by the nineteenth section of the act creating the said institution, in refusing or suspending the payment of specie for its notes or obligations, or of any fund received by them in deposit, for the term of thirty days, that if the said corporation shall at any time hereafter refuse to tender payment in specie on any of its notes or obligations, or of any fund deposited with said company, on lawful demand being made, then the holder of such notes or obligations, or any person having the right to demand the same, shall be entitled to receive the amount of funds deposited as above mentioned, shall be entitled to recover interest at the rates of ten per centum per annum on the amount so deposited until the said company shall tender payment thereof, with damages, in specie at their counter.

SEC. 7. *Be it further enacted*, That no person who is not a resident of the Territory shall be a trustee of said institution.

Approved February 11, 1838.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In compliance with a resolution of the Senate, additional information in relation to the bonds issued by the Legislature of Florida.

 MAY 13, 1840.

 Read, and ordered to be printed.

To the Senate of the United States :

I communicate to the Senate a copy of a letter from the Secretary of the Territory of Florida, with documents accompanying it, received at the Department of State since my message of the 2d instant, and containing additional information on the subject of the resolution of the Senate of the 30th December last.

M. VAN BUREN.

WASHINGTON, *May 12, 1840.*

 TALLAHASSEE, FLORIDA,
Secretary's Office, April 30, 1840.

SIR: In pursuance of instructions, communicated through your department, I herewith forward the report of the particulars and condition of the Pensacola Bank, and of the railroad connected by law with that institution. The report is made by the commissioners appointed under the charter, by His Excellency Robert Raymond Reid, Governor of Florida. The delay of the report to the present time was owing to the distance of this institution from the capital.

I have the honor to be your obedient servant,

J. McCANTS,
Secretary of Florida.

Hon. JOHN FORSYTH,
Secretary of State, United States.

SIR: In entering upon the discharge of the duty of making a report to your excellency, of the condition of the Bank of Pensacola, it gives me much pleasure to inform you that, upon the presentation of my commission to the officers of that institution, they readily and promptly extended to me every facility for the successful prosecution of the proposed investigation. There was no sensitiveness on the subject of private accounts—no entanglement behind the technicalities of their charter, opposing any obstacles to the most thorough and minute examination of the bank, and it is believed that nothing was withheld from me that was essential to the proper understanding of its condition.

The papers annexed as an appendix to this report, contain the information communicated to me by the cashier, upon the several subjects suggested to him, and I trust your excellency will find the statements to be as accurate as I doubt not they are. I prefix a condensed view of the substance of these communications, with the purpose chiefly of embodying some information derived verbally from the cashier, and other officers.

A charter for a bank in Pensacola, with a capital of \$200,000, passed in 1831, and subsequently amended in 1832, appears not to have been acted upon until the 16th May, 1833, when books were opened in Pensacola, and three of the commissioners named in the original act, and were closed on the same day. Walter Gregory, of Boston, subscribed 1,705 shares, eleven residents of Pensacola subscribed 45 shares, and 250 shares reserved, according to the 12th section of the charter, for the Territory, completed the shares authorized by the act creating the capital of the bank. Upon 1,750 shares thus subscribed, \$7,000 was paid, which was ten per cent. of \$70,000, as required by the act of amendment passed January 25, 1833. Upon this amount of \$7,000 being thus paid up in specie, the first election of directors was made on the 28th June, 1833, and the bank commenced the operations of banking and circulation of paper money on the 28th November following. On the 1st of January, 1835, other instalments had been called in, to the amount of 25 per cent., on the 1,750 shares subscribed, or \$45,927, which was all paid in cash. At this date the stock was held by twenty individuals; the 250 shares reserved by law for the Territory have never been subscribed.

On the 13th February, 1835, an act was passed by the Legislative Council of Florida, augmenting the capital of the Bank of Pensacola to \$2,000,000. Books for subscription to this stock were opened, under the superintendence of the cashier at the banking house in Pensacola, on the 21st of February, 1835, and were closed on the same day. The whole amount of additional stock, or 23,000 shares, having been subscribed on that day by the president, Walter Gregory, who paid nothing at the time of subscription. The stock was retained by Mr. Gregory until the 14th of December, 1835, when \$500,000 worth of bonds were issued by the bank, endorsed by the Governor of the Territory, and sold in Philadelphia, which sale was effected on the 2d December, 1835.

On the 14th of December, 1835, a distribution of the stock was made as follows: 13,000 shares to a private company, styled the Pensacola Association, consisting of Thomas Biddle, Elihu Chauncey, Samuel Jandon, Lewis Robinson, Charles A. Davis, S. V. P. Wilder, Walter Gregory, and William H. Chase, and the balance to seventeen other individuals in various amounts. Subsequently, namely, on the 15th December, 1836, an instalment of 5 per cent. was required to be paid, which call being complied with

all the stockholders, the sum of \$106,115 was paid. The old 750 shares, was merged in the new subscription, and the instalment on the old stock refunded, so that the increase of paid-up capital was \$60,000, of which \$37,000 was paid in promissory endorsed payment of which the directors may demand when they choose. Shares have been surrendered to the bank by various parties, and having been paid on 2,415 shares standing in the name of others, note or otherwise, they might be forfeited, but the directors have passed no resolution to that effect.

As alluded to, and as authorized by the 4th section of the act for increasing the capital, the bank issued, on the 29th of April, 1835, 500 bonds, each, payable 1st January, 1860, at the Bank of the United States, Philadelphia, which were endorsed by Governor John H. Eaton, on the 2d of December, 1835, in Philadelphia, by William H. Biddle, President of the bank, to Thomas Biddle, Samuel Jaudon, and Elihu Biddle, financial agents of the Pensacola Association, at their par value each, the interest being regulated according to the payments, and interest made by a check of \$100,000 on the United States Branch at New Orleans, and the balance as required by the bank at various times from the 2d November, 1836, to the 30th December, 1838, generally by the bank on the financial agents, at various sights, none of which exceed four months. The bank stipulated in the contract of the payment of the interest on the bonds, at Philadelphia, as it actually payment has been so provided for, except for the instalments due on the 1st July and 1st January last, but these payments are supposed to have been made by the financial agents before mentioned, for which the bank is indebted to them in the amount of \$30,740, as per statement of the 1st of January, 1840. The bank is not aware whether the financial agents have dealt with other parties, who may now be holders, for the payment of the interest on the bonds at any place other than the Bank of the United States, at Philadelphia, nor can it furnish information of the value of the bonds in the American and European markets.

The bank being authorized, by the 3d section of the amended charter, to subscribe for stock in the Alabama, Florida, and Georgia Railroad Company, in 1835, for 14,920 shares of said stock, upon which has been made in instalments called for by the directors, from December, 1835, to the 1st of January, 1840, the sum of \$332,840 33. The remaining 80 shares of the stock were taken up by the eight directors, to qualify them for office. The bank has loaned to the same company at various periods, from 8th July, 1835, to the 31st December, 1839, funds which, with interest, now amount to \$33, for which a note or bond was given by the railroad company, at the Bank of Pensacola, to the order of the directors, at ninety cents on the dollar, on the 31st December last, and which being protested for non-payment on the 2d April, instant, bears interest from that date.

The return of stockholders on the 1st January, 1840, hereto annexed, shows that but few transfers of stock have been made since the dissolution on the 14th December, 1835, and that whatever may be the rights or privileges of the stockholders, they remain nearly in their original position.

On the 14th December, 1835, a branch was instituted at Marianna, in accordance with the requirements of the charter, and withdrawn in 1838,

and the business closed, which never amounted to any thing of quence.

In 1834, an agent was appointed to reside at Appalachicola, and 14th December, 1835, a branch was established at that place, and still continued. The present directors are, David G. Raney, T. L. D. C. Kalb, C. S. Tomlinson, and William B. Taylor, president, and acts as cashier.

The imprudent management of the branch, at a former period, to have involved the bank in a serious loss, especially by its connexion with the broken Commercial bank, as will be seen by reference to the statement accompanying this report. It is probable that the loss sustained will be less than \$50,000. The liabilities and resources of the bank on March, 1840, by condensing the statement of the bank at Pensacola and its branches at Appalachicola, appears as follows :

Liabilities.

Bonds endorsed by the Governor of the Territory	-	\$500
Bills in circulation	-	180
Individual deposits	-	54
Certificates of deposits	-	9
Due to various parties in small amounts	-	1
Due to "financial agents"	-	34
Due to Pennsylvania Bank, U. S.	-	100
Due to other banks	-	1
Drafts protested	-	14
Drafts running to maturity	-	4
		<hr/>
		920
		<hr/>

Resources, omitting instalments loaned to railroad companies

Notes and bills discounted	-	\$250
Due by other banks	-	10
Mortgages	-	14
Notes held as collateral security	-	10
Cash in bank at Pensacola	-	7
Other cash items chiefly in the notes of the Union Bank of Florida, and Commercial Bank	-	70
		<hr/>
		370
		<hr/>

Of the notes and bills discounted, \$74,554 73 are held by the bank at Appalachicola; of these, 20 notes (of which only 4 exceed \$2,000 each) amounting to \$16,631 91, are running to maturity; 53 amounting to \$38,355 35 are under protest, 5 of them are for over \$2,000 each, 14 are under \$500 each; 14 amounting to \$19,594 47 are in suit, and 3 are for over \$1,000 each, and the remainder under.

Of 66 notes held by the bank in Pensacola, other than the notes of the railroad company, amounting to \$96,412 94, 12 are instalments

given as payment on the stock, amounting to \$38,900, which leaves under this head \$59,512 94 of discounted paper, most of which is protested or past due. The largest note is for \$5,000, and the remainder in small amounts. The 16 short-sight drafts running to maturity, amount to \$48,292 50, of which \$37,000 is payable in New York; 3 drafts are of \$10,000 each, and 7 are under \$1,000 each; 13 drafts amounting to \$32,008 63 are under protest: of this amount, \$15,000 is payable in Mobile; 5 of the drafts are for \$3,000 each; one is for \$5,400, and another for \$6,000. The liabilities of all the directors to the institution as principals or endorsers, apart from the instalment-notes and an endorsement of one of them for the purchase of a steamboat, is only \$6,509. This condensed statement in relation to the private accounts of the customers of the bank, which were unreservedly submitted to my inspection, suffices to show that the bank has not been extravagant in her loans to any one individual.

The profits of the bank since it commenced operations, in interest, exchange, &c., have amounted to \$135,555 18, as per statement annexed; but a further sum of considerable amount which is due to the bank, amounts to \$88,729 88, and the expense amounts to \$41,697 80. No dividends have been paid since July, 1835; the amount paid up to that time being \$3,755, as it appeared from the foregoing statements that the sum of \$592,013 66 in the shape of stock, and a loan succeeded by a bond, had been invested by the bank in the Alabama, Florida, and Georgia Railroad Company, it became a matter of much interest and importance to institute an inquiry into the condition of that company, the probable value of its stock owned by the bank, and the security of the debt due to the bank by the railroad company.

Though in this case, as in that of the bank, my inquiries were met with the utmost readiness on the part of those who had the charge of the books of the company, to communicate all the information in their power, yet as Colonel Blount, the president of the company, was absent from Pensacola, and none of the engineers or officers who had been employed in the charge of the operations are now connected with it, it was not in the power of the secretary of the company to give me such accurate information as was desirable, yet it is conceived that the following letter and accompanying statement from that officer, who has become connected with the company since the suspension of its operations, will afford sufficient data on which to form an estimate approximating to its true condition:

“ OFFICE FLORIDA AND GEORGIA R. R. COMPANY,
“ *Pensacola, April 2, 1840.*

“DEAR SIR: The want of a quorum of the directors of the railroad company, and of the officers who have had the charge of the accounts and business of the company, will prevent my replying officially and as fully as I could wish to the queries you have submitted. I have consulted the directors present, and they have no objection to my communicating such information that appear on the books as may be material to your investigation. The same you will find enclosed, and will, I trust, prove satisfactory.

“ Very respectfully, your obedient servant,

“ S. W. TAYLOR.

“ WALKER ANDERSON, Esq., *Commissioner.*

“ P. S. If the enclosed is not satisfactory, the books of the company are open to your inspection.

“ Items of expenditures from the books of the Alabama, Florida, and Georgia Railroad Company.

“ Surveys	-	-	-	-	-	-	\$17,000
Grading	-	-	-	-	-	-	200,000
Superstructure	-	-	-	-	-	-	7,500
Engineering department	-	-	-	-	-	-	46,000
Carts, wagons, &c.	-	-	-	-	-	-	3,400
Land (Noodvine)	-	-	-	-	-	-	7,800
Machinery	-	-	-	-	-	-	52,000
Timber	-	-	-	-	-	-	40,000
Tools and materials	-	-	-	-	-	-	3,300
Cars	-	-	-	-	-	-	2,000
Rails	-	-	-	-	-	-	160,000
Steamer Champion	-	-	-	-	-	-	15,000
Spikes	-	-	-	-	-	-	10,000
							<hr/>
							564,000
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“ *Note.*—\$100,000 of rails, spikes, and material, have been sold to the Montgomery and West Point Railroad Company, and payment received in their stock. Of the iron rails and machinery, about \$100,000 have been sold in the north to pay liabilities there. The company long since determined to substitute the T rail for that on hand, and to dispose of depreciating material, if to be done, at but trifling sacrifice.

“ The company is not indebted otherwise than to the Bank of Pensacola.

Upon applying at the custom house, I procured more precise and detailed information respecting the iron that was received and subsequently reshipped on account of the company. The information derived from this source is as follows:

2,550 tons of iron, including plates, were received from November, 1836, to April, 1837, both months inclusive. The duties of the same, amounting to \$67,460, are still due on suspended bonds. 311,000 pounds spikes were also received, the duties amounting to \$10,680, but they were subsequently reshipped, and the duties refunded. 1,000 tons were sent to Montgomery for the use of the Montgomery and West Point Railroad Company, in July 1838. 100 tons were sent to Tallahassee, for the use of the Tallahassee and St. Mark's Railroad Company. 1,100 tons were shipped, in October and November, 1839, to New York; 300 tons remain on hand. The locomotives and other machinery were shipped also to New York, in November, 1839.

From the foregoing statement, it will be obvious to your excellency that the value of the investment of the Bank of Pensacola in the Alabama, Florida, and Georgia Railroad Company depends, in a great measure, upon the completion or abandonment of the road. If the work is prosecuted, the large outlays for surveys, grading, and some other items, may be estimated as available to some extent; but as no part of the work is yet completed, if it should be now abandoned, the assets of the company will be

scarcely anything beyond its stock in the Montgomery and West Point Railroad Company, and its interest in the steamer Champion.

The present officers of the railroad company are: Thomas M. Blount, *President*; S. W. Taylor, *Secretary*; W. B. Taylor, Hanson Kelly, Henry Hyer, George W. Barkley, and Thomas Easton, *Directors*.

I am, very respectfully, your excellency's most obedient servant,

WALKER ANDERSON,

Commissioner.

His Excellency ROBERT RAYMOND REID,

Governor of Florida.

P. S. I have thought it proper to append, also, to this report the mortgage given by the Bank of Pensacola to the Governor of the Territory; and, also, the several semi-annual statements made in pursuance of the requirements of the charter, to be found on file, and in the journals of the Legislative Council.

W. A.

PENSACOLA, April 7, 1840.

THIS INDENTURE, made and entered into this twenty-ninth day of April, in the year of our Lord one thousand eight hundred and thirty-five, between the Bank of Pensacola on the one part, and the Territory of Florida on the other part, witnesseth:

That whereas, by an act of the Legislative Council, passed on the thirteenth day of February, one thousand eight hundred and thirty-five, and approved the fourteenth day of February of the same year, the capital stock of the Bank of Pensacola was authorized to be increased to the sum of two millions five hundred thousand dollars; and, in addition to its other powers, it was authorized to purchase and subscribe for the stock of the Alabama, Florida and Georgia Railroad Company; and to enable the said bank to make the said purchase or subscription, it is authorized to issue, forthwith, its bonds in the sum of one thousand dollars each, bearing an interest of six per centum per annum, payable semi-annually, and redeemable after the first day of January, in the year one thousand eight hundred and sixty, for a sum not exceeding five hundred thousand dollars; which bonds are to be made payable to the Territory of Florida, and to be guaranteed and endorsed as is provided in the fourth section of the before-cited act; and whereas, the said bank is further authorized, by the sixth section of the said act, to issue an additional number of bonds as specified in the said fourth section, which bonds are to be guaranteed and endorsed in like manner as specified in the said fourth section, provided that it shall be made satisfactorily to appear to the Governor of the Territory, that for every ten bonds he may endorse according to the aforesaid sixth section, the said Alabama, Florida and Georgia Railroad Company shall have constructed and finished one mile of railroad for every ten bonds so endorsed; and whereas, the said Bank of Pensacola has purchased the stock of said Alabama, Florida and Georgia Railroad Company, amounting to fourteen thousand nine hundred and thirty shares, subject to a payment of five hundred thousand dollars on the first Mondays of July, August, and September, next ensuing; and whereas, the said Bank of Pensacola has presented to the Governor of the Territory, bonds for his endorsement amounting to one hundred thousand dollars, to enable the said Bank of Pensacola to

pay the purchase-money for the stock aforesaid, which bond and by virtue of the fourth section of the before-recited act it is provided in the seventh section of the said act, that the Territory of Florida for the aforesaid guarantee of said bank, at the time of the endorsement of the bonds first given by said bank, shall execute and deliver to the Governor of the Territory of Florida, an hypothecation of the capital stock and of all its property, real and personal, and assets, which it may hereafter hold or have, and the stock which it may then own in the said Alabama, Florida and Georgia Railroad Company, in the same manner as the Governor may direct; which hypothecation shall be and continue a lien upon the said capital stock, property and said stock in said railroad, and also such portion of said property within this Territory, in preference to all other claims and debts, until the said bonds are fully paid and extinguished:

Now this indenture witnesseth, that for and in consideration of the premises, and in and by virtue of an order of the board of directors of said Bank of Pensacola, made on the twenty-third day of April, one thousand eight hundred and thirty-five, with the assent and direction of the stockholders (a list of which stockholders is attached with a copy of the order for the said board, are hereunto appended A and B), the said Bank of Pensacola does herein and hereby pledge to the Territory of Florida the capital stock of said bank and all the property, both real and personal, and assets, which it may hereafter hold or have, consisting at the present of time of the said bank, under discount, running to maturity, moneys on hand, and other property, as per schedule marked C, hereto annexed and made part of this indenture, all of which bonds and notes and liabilities are declared and acknowledged to be good, amounting in all to one hundred and fifty-one thousand and fifty-five dollars and sixty-five cents, and also the stock owned by the said bank, or which it may hereafter hold, in the Alabama and Georgia Railroad Company, or in any other trust or company, to indemnify and fully to protect and save harmless the Territory of Florida for its endorsement and guarantee of the bonds of said Bank of Pensacola, according to the provisions of the act of the Legislature of Florida entitled "An act to increase the capital of the Bank of Pensacola and to amend the laws incorporating said bank and to amend the laws relating to the said bank," passed February thirteenth, in the year one thousand eight hundred and thirty-five, and approved the fourteenth day of February of the same year; which hypothecation is hereby declared to be in full and continue a lien in favor of said Territory until the bonds are fully paid and interest, and the Territory of Florida discharged from the consequence of its guarantee and endorsement aforesaid.

In testimony whereof, the signature of the president, and of the said bank aforesaid, are hereunto affixed, the same to be attested and signed by the cashier thereof, on the day and date first written.

WALTER GREGOR
JAMES CATLIN, *Cashier*

A.

BANK OF PENSACOLA, April 29, 1835.

following is a list of the stockholders of the Bank of Pensacola this day, to wit :

George W. Barkley
Jacob Bender
W. L. Booth
Joseph Forsyth
Walter Gregory
Dudley S. Gregory
E. W. Gregory
Henry Hyer
Hanson Kelly
C. C. Keyser
Joshua B. Levans
Henry Michelett
Lorenzo Plu

Samuel St. John, jr.
Ashbel Steele
Samuel Shannon
Archibald McIntyre
Henry Yates
John Ely
Luke Hemenway
John A. Cameron
James Catlin, *trustee*.
Robert Mitchell
A. H. Bowman
William H. Chase
John H. Parker

Directors.

Walter Gregory, *President*
George W. Barkley
Henry Hyer

Charles C. Keyser
Joseph Forsyth
Hanson Kelly

WALTER GREGORY, *President*.

JAMES CATLIN, *Cashier*.

B.

BANK OF PENSACOLA, April 23, 1835.

At an extra meeting of the board of directors at the banking-house.
Present: Messrs. Gregory, Hyer, Barkley, Kelly, Keyser, and Jerrison.

On motion of Mr. Kelly, seconded by Mr. Hyer, it was
~~Resolved~~, That the stock of the bank shall be hypothecated to the Territory of Florida, in pursuance of the seventh section of the amended charter.

On motion of Mr. Kelly, seconded by Mr. Barkley, it was
~~Resolved~~, That the president be appointed to hypothecate the stock as
ordered above.

I hereby certify the above to be a true copy from the minutes of the board of directors.

JAMES CATLIN, *Clerk of the Board*.

APRIL 29, 1835.

BANK OF PENSACOLA, April 27, 1835.

At a meeting of the stockholders of the Bank of Pensacola, at their banking-house on Monday the 27th of April. Present

Mr. Gregory made a motion that the stock of the Bank of Pensacola should be pledged to the Territory of Florida, as security for the issuing of bonds as specified in sections fourth and seventh of the amended charter, which was agreed to by the members present.

On motion of George W. Barkley, seconded by Mr. Gregory
Resolved, That the names of the stockholders shall be signed to
 resolution ; and that those absent shall have the privilege at a
 add their signatures.

True copy from the minutes of the stockholders.

JAMES CATLIN,

APRIL 2

I hereby certify that, at the above meeting for the purpose of
 ting the stock as aforesaid, a majority of the votes of the stockh
 present.

JAMES CATLIN,

C.

State of the Bank of Pensacola, April 29, 1835.

DR.						
Capital stock paid in	-	-	-	-	-	\$
Bills of this bank in circulation	-	-	-	-	-	
Deposites	-	-	-	-	-	
Due to banks and individuals	-	-	-	-	-	
Profit and loss account	-	-	-	-	-	
CR.						
Bank furniture, bills, &c.	-	-	-	-	-	
Contingent expense	-	-	-	-	-	
Cash in vault	-	-	-	-	-	
Available funds in hands of agents	-	-	-	-	-	
Notes discounted, not matured	-	-	-	-	-	
Bills of exchange	-	-	-	-	-	

The above statement shows the true condition of the bank o
 day of April, 1835, on a careful examination of all the liabil
 bank. We certify our belief that all the accounts of the bank w
 ors are perfectly sound, and that no losses will accrue therefrom.

In testimony hereof, the signature of the president, counte
 the cashier, and the seal of the bank affixed, this tw
 [L. s.] day of April, in the year of our Lord one thousand
 dred and thirty-five.

WALTER GREGORY, P.

JAMES CATLIN, *Cashier.*

Questions proposed to the Cashier of the Bank of Pensacola in relation to the bonds issued by the bank.

1. What amount was endorsed by the Governor of the Territory?
2. State the dates of bonds issued.
3. State the dates of endorsement.
4. State by whom endorsed.
5. State the amount disposed of.
6. State when disposed of.
7. State where disposed of.
8. State by whom.
9. State to whom.
10. State at what price.
11. State for what funds.
12. State where was the first payment made.
13. State the subsequent payments.
14. State where are the bonds made payable.
15. State when due.
16. State whether there are any bonds unsold.
17. State what disposition has been made of the proceeds of the sale.
18. State what is the value of these bonds in the American and European markets.

Answers to questions proposed to the Cashier of the Bank of Pensacola by the Commissioner appointed by the Governor of Florida to examine said bank.

1. Amount of bonds endorsed by the Territory, \$500,000.
2. Date of said bonds, April 29, 1835.
3. When endorsed, cannot state exactly.
4. John H. Eaton (Governor) endorsed them.
5. Amount disposed of, \$500,000.
6. December 2, 1835.
7. At Philadelphia.
8. W. H. Chase, agent for the bank.
9. Thomas Biddle, Samuel Jaudon, Elihu Chauncey, financial agents of the Pensacola association.
10. At par value, \$1,000 each bond.
11. Principally northern funds.
12. First payment (\$100,000) was made in New Orleans by W. H. Chase; check on Branch Bank United States, New Orleans.
13. The balance (\$400,000) was paid between November 2, 1836, and December 31, 1838, as stated in the account with the financial agents at Philadelphia.
14. The bonds are payable at the Bank of the United States, Philadelphia.
15. They become due January 1, 1860.
16. The bonds are all sold, as will be seen by the articles of sale to financial agents.
17. Proceeds of the bonds have been applied to the use of the bank and railroad.
18. The value of these bonds in the American and European markets I am unable to state.

UNITED STATES OF AMERICA—TERRITORY OF FLORIDA.

Bond of the Bank of Pensacola, guarantied by the Territory of Florida. The capital stock of the bank pledged to the Territory, and the stockholders individually and personally liable for the redemption thereof.

B ONE THOUSAND DOLLARS—SIX PER CENT. STOCK.

Know all men by these presents, that the Bank of Pensacola acknowledges itself to be indebted to the Territory of Florida in the sum of one thousand dollars; which sum the said Bank of Pensacola promises to pay, in money of the United States, to the order of the Territory of Florida, on the first day of January, in the year one thousand eight hundred and thirty-five, with interest at the rate of six per centum per annum, payable half-yearly at the place named in the endorsement hereon, viz: on the first day of January and on the first day of July in every year, until the payment of said principal sum: and, for the faithful payment of the said principal and interest, the capital stock of the Bank of Pensacola is pledged, and the stockholders thereof are individually and personally liable according to the stipulations of the charter of said bank.

In testimony whereof, the signature of the president and the seal of the bank are hereunto affixed, the same being countersigned by the Cashier thereof, at Pensacola, this twenty-ninth day of April, in the year one thousand eight hundred and thirty-five.

_____, *President*
_____, *Cashier*.

FLORIDA SIX PER CENT. STOCK.

TERRITORY OF FLORIDA.

In pursuance of the laws of this Territory, the within bond is assigned and made payable to the bearer thereof; and the payment of the principal and of the interest thereon, as within stipulated, is hereby guaranteed by the Territory of Florida, and the faith of the Territory pledged for the redemption thereof.

Given under my hand, and the great seal of the Territory of Florida, at
[L. s.] Executive office, this _____ day of _____, one thousand
hundred and thirty _____, and of the independence of the
States _____ year.

_____, *Governor of Florida*
By the Governor.
_____, *Secretary*.

BANK OF PENSACOLA,

It is hereby agreed that the principal and semi-annual interest of the bonds in bond shall be paid at _____.

_____, *President*

Interest on Territorial bonds.

So far as I am advised, the interest on the bonds has been duly paid when it became due; but at what place, or in what funds, I cannot now state precisely. The article of sale of said bonds to the financial agents of the Bank of Pensacola association stipulates that the semi-annual interest on said bonds shall be paid in Philadelphia, at the Bank of Pennsylvania, or at such

bank in Philadelphia as may be designated afterward by the purchasers of said bonds in Europe, upon giving the Bank of Pensacola thirty days' notice of such designation. Under this privilege, the Bank of the United States was selected as the place of payment of said interest.

JAMES CATLIN, *Cashier*.

BANK OF PENSACOLA, *March 31, 1840.*

The Bank of Pensacola commenced operations, November 28, 1833.

The amount of capital paid up was \$7,000, and that in specie in the vault of the bank.

The first dividend was declared July 1, 1834	-	-	-	\$980
The second dividend was declared December 31, 1834	-	-	-	980
The third and last dividend was declared July 1, 1835	-	-	-	1,795

\$3,755

President's salary.—Walter Gregory received no salary for the first year of his presidency.

For the year 1835 he was allowed	-	-	-	\$1,000
For the year 1836 he was allowed	-	-	-	1,000
For the year 1837 he was allowed	-	-	-	2,000
Judge Rochester received, in 1838, 6 months	-	-	-	1,250
Thomas M. Blount, for 1839, one year	-	-	-	2,000

Territorial stock.—Two hundred and fifty shares of the original stock were reserved for the Territory of Florida, but were never subscribed for.

JAMES CATLIN, *Cashier*.

Drawn from the records of the Bank of Pensacola.

Original subscribers, May 16, 1833.

	Shares.	Instalments.
Walter Gregory, then in Boston	1,705	\$6,820
Hyer & Le Baron, Pensacola	5	20
Benj. D. Wright	5	20
George W. Barkley	5	20
Henry Ahrens	5	20
A. A. W. Jackson	5	20
J. & C. C. Keyser	5	20
Hanson Kelly	3	12
Joseph Forsyth	5	20
A. B. Allen	1	4
John Campbell	3	12
John Jerrison, jun.	3	12
Reserved for Territory of Florida	250	00
	<u>2,000</u>	<u>7,000</u>

Four per cent. instalment on 1,750 shares, May 16, 1833.

Six thousand eight hundred and twenty dollars of the above was deposited in specie with Messrs. St. John & Leavens, Mobile, by Walter Gregory; the remainder was paid in specie, or United States Bank notes.

JAMES CATLIN, *Cashier*.

The original subscriptions of the stock of the Bank of Pensacola received by Hanson Kelly, George W. Barkley, and J. Jerrison, jr., commissioners, on the 16th day of May, 1833. The directors first elected June, 1833, were:

Walter Gregory, *President.*
George W. Barkley,
Hanson Kelly,
Charles C. Keyser,

Joseph Forsyth,
Henry Hyer,
J. Jerrison, jr.

JAMES CATLIN, *Cashier.*

Directors for the year 1834.

Walter Gregory, *President.*
George W. Barkley,
Hanson Kelly,
Charles C. Keyser,

Joseph Forsyth,
Henry Hyer,
J. Jerrison, jr.

JAMES CATLIN, *Cashier.*

The books of subscription not having been opened until 1833, no directors were elected prior to that time.

JAMES CATLIN, *Cashier.*

Stockholders 1st January, 1835.

Names.	Residence.	Shares.	Amount.
Walter Gregory - -	Pensacola -	621	\$
D. S. Gregory - -	New York -	289	
Jacob Bender - -	Boston -	25	
John Ely, jr. - -	Philadelphia -	50	
Henry Hyer - -	Pensacola, -	5	
Luke Heminway - -	Philadelphia -	50	
Hanson Kelly - -	Pensacola -	3	
C. C. Keyser - -	" -	5	
Archibald McIntyre - -	New York -	144	
Joshua B. Leavens - -	Mobile -	100	
Archibald Robinson - -	Philadelphia -	50	
Samuel St. John, jr. - -	Mobile -	100	
Samuel Shannon - -	Pensacola -	40	
Ashbel Steel - -	" -	4	
Henry Yates - -	New York -	145	
George W. Barkley - -	Pensacola -	10	
Henry Michelett - -	" -	2	
W. L. Booth - -	New York -	100	
Lorenzo Pla - -	Pensacola -	2	
Joseph Forsyth - -	" -	5	
Reserved for Ter. Florida -	-	250	
		2,000	

Twenty-five per cent. paid on 1,750 shares, all in cash.

JAMES CATLIN, *Cashier.*

above amount of instalment was paid in cash, no stock-notes having been given; and the other liabilities of the stockholders to the bank were of account.

JAMES CATLIN, *Cashier.*

Stockholders under the act approved 14th February, 1835.

Walter Gregory, Pensacola, 23,000; nothing paid, February 21, 1835.

On the 14th December, 1835, at a meeting of the directors, the following distribution of stock was made:

					Shares.
James Biddle, Elihu Chauncey, and Samuel Jaudon, as					
trustees for Walter Gregory	-	-	-	-	1,625
James A. Chase as trustees for W. A. Chase	-	-	-	-	1,625
Thomas Biddle	-	-	-	-	1,625
Samuel Jaudon	-	-	-	-	1,625
Morris Robinson	-	-	-	-	1,625
S. V. S. Wilder	-	-	-	-	1,625
Charles A. Davis	-	-	-	-	1,625
Elihu Chauncey	-	-	-	-	1,625
Walter Gregory, Pensacola	-	-	-	-	916
James A. Cameron, " "	-	-	-	-	917
James M. Blount, " "	-	-	-	-	700
Henry Parker, " "	-	-	-	-	700
John Mitchell, " "	-	-	-	-	850
John Kelly, " "	-	-	-	-	850
John Hyer, " "	-	-	-	-	450
John Hulse, " "	-	-	-	-	400
John Booth, New York	-	-	-	-	400
John H. Bowman, U. S. Army	-	-	-	-	850
James Chase, Pensacola	-	-	-	-	917
John J. Dallas, U. S. Navy	-	-	-	-	400
John Willis, Navy Agent, Pensacola	-	-	-	-	400
John McNeil, New York	-	-	-	-	300
John W. Barkley, Pensacola	-	-	-	-	50
James Catlin, " "	-	-	-	-	50
John H. Chase, trustee	-	-	-	-	850
					<hr/>
					23,000
					<hr/>

Names of stockholders 1st January, 1840, amount paid, how paid, number of shares.

Name.	Shares.	How paid.	Am
T. M. Blount, Pensacola -	700	Endorsed note - -	\$:
“ “ -	450	Hyer & LeBaron's note	\$
George W. Barkley -	200	Endorsed note - -	1
Bank of Pensacola -	1,112	Unpaid.	
W. L. Booth & Sons, N. Y. -	400	Endorsed note - -	\$
Thos. Biddle, S. Jaudon, } and E. Chauncey, trus- } tees Pensacola Assoc'n, }	13,000	Paid in cash in Philad'a -	64
Geo. E. Chase, Pensacola -	867	Endorsed note - -	:
“ “ -	300	“ - -	:
Charles A. Davis, N. York -	850	Unpaid.	
J. A. Cameron, Pensacola -	917	Endorsed note - -	:
Com. A. J. Dallas, “ -	400	} Endorsed note - -	4
Byrd C. Willis, “ -	400		
W. Gregory, Cincinnati -	916	“ - -	:
Isaac Hulse, Pensacola -	200	Unpaid.	
J. Inverarity, “ -	200	“	
Robert Joyner, “ -	300	Endorsed note - -	:
Hanson Kelly, “ -	850	“ - -	:
Robert Mitchell, “ -	850	Unpaid.	
Dr. John H. Parker, “ -	700	Endorsed note - -	:
Henry Michelett, “ -	50	Cash - -	-
W. B. Rochester, “ -	10	“ - -	-
Thomas Eastin “ -	5	Unpaid.	
H. L. Higley, “ -	5	“	
George A. Mix, “ -	5	“	
Hugh W. Nisbett, “ -	5	Cash - -	-
Henry Steel, New York -	753	“ - -	:
W. B. Taylor, Pensacola -	5	“ - -	-
Territory Florida -	250		
W. G. McNeil, New York -	300	Unpaid.	
Total shares,	25 0 10	Amount,	106

The notes discounted for stockholders are the same as other discount paper, endorsed and subject to be called in whenever the directors shall deem it expedient to do so. There is no hypothecated stock. The amount of five per cent. was called on the 15th December, 1836, and was paid principally in that month.

JAMES CATLIN, *Cashier*

of the Bank of Pensacola, for the years 1835, 1836, 1837, 1838, 1839, and 1840, as elected.

1835.	1837.	1839.
Gregory, Hyer, W. Barkley, Kelly, Hyer, Forsyth, Morrison, jr.	Walter Gregory, Hanson Kelly, John A. Cameron, Henry Hyer, Robert Mitchell, W. B. Taylor, W. H. Chase.	Henry Hyer, Hanson Kelly, H. W. Nesbitt, George W. Barkley, John Campbell (decl'd), W. B. Taylor, W. S. Campbell.
1836.	1838.	1840.
Gregory, Chase, Cameron, Mitchell, Kelly, Willis, Hyer.	Walter Gregory, Hanson Kelly, J. A. Cameron, George W. Barkley, Wm. S. Campbell, Henry Hyer, William B. Taylor.	Hanson Kelly, G. W. Barkley (decl'd), Thomas Eastin, George A. Mix, S. W. Taylor (declined), Robert Joyner, Thomas M. Blount.

Mr Gregory was president of the board from the commencement of it, in 1833, to the 8th day of January, 1838, when he resigned; and on 9th January, 1838, W. B. Rochester was elected president, and until his decease, in June of the same year, when Henry Hyer was elected president of the board, and served until the 25th March, 1839, when he resigned; and on the 27th March, 1839, Thomas M. Blount was elected president of the board, and remains so until the present time.

Mr Catlin has held the office as cashier from the commencement of the institution, in 1833, to the present time. Horace L. Higley was elected on 9th May, 1839, to fill a vacancy, and remained in the board until the 1st of the same year. No other material changes in the board.

JAMES CATLIN, *Cashier.*

Drawn from the minutes of the board and of the stockholders.

Agencies and Branches of the Bank of Pensacola.

BANK OF PENSACOLA, *March 30, 1840.*

On 1st November, 1834, Warde Burchan was appointed an agent of the bank, at Appalachicola, and remained in that capacity until the 14th December, 1835, when a branch was established there. Mr. Burchan was then elected cashier of the same, and remained until his demise.

On the 4th of July, 1836, E. D. Barry, jr., of New York, was elected agent of the said branch, and remained in that capacity until his demise on 1st November, 1838.

On the 11th November, 1839, W. B. Taylor was elected president of said bank, and remains in that capacity at this time.

On the 14th December, 1835, a branch was established at Marianna, in Franklin county, in pursuance with the requirement of the charter of the bank, and on the 8th day of February, 1836, Harvey Brewster was appointed cashier of said branch.

On 1st November, 1838, the branch at Marianna was withdrawn, and its business closed.

JAMES CATLIN, *Cashier.*

Drawn from the records of this bank.

The directors of the branch at Appalachicola are : D. G. Raney, T. L. Mitchell, D. C. Kalb, C. S. Tomlinson ; W. B. Taylor, president, acts as cashier.

Forfeitures of stock.

The stock held by any person is liable to forfeiture, if the instalments called for are not punctually paid ; but the directors of the Bank of Pensacola have never passed an act of forfeiture in any case of delinquency. The 1,112 shares standing in the name of the Bank of Pensacola, 20 shares surrendered by different individuals.

The whole amount of paid-up capital, was paid by the persons who held the stock under the act of 1835 ; that is, the bank bought in the old stock which was merged in the new, and an instalment of 5 per cent. called in out of which the old stockholders were paid ; making a surplus over the original capital paid in of about \$60,000.

JAMES CATLIN, *Cashier.*



To notes in circulation	-	-	Notes discounted	-	68,200 12
To profit and loss	-	\$1,375 29	Drafts	-	1,350 00
To exchange	-	1,012 98	Expense	-	882 27
To discount	-	2,278 17	Cash: specie	\$25,749 82	
To Commercial Bank, New Orleans	-		United States and Alabama notes	2,183 00	
To Union Bank, Florida	-		Drafts on Mobile	2,607 68	
To Booth and Atterbury, New York	-		Tallahassee notes	4,001 00	
			Stock account, bank property	-	34,541 50
					2,815 22
					177,798 77
					181

J. CATLIN, Cashier.

Dr.

Statement of Bank of Pensacola, March 31, 1840.

Cr.

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Capital stock and bonds payable	-	\$500,000 00	Instalments on railroad stock	-	\$332,840 33
Capital stock and instalments in stock	-	106,115 00	Branch at Appalachicola	-	179,805 59
Bills issued, now in bank	\$, 392 00		Farmers' Bank, Marianna	-	
Bills issued, now in circulation*	208,725 00		J. R. St. John Gregory & Co., New Orleans	\$307 08	
			Union Bank Branch, St. Joseph's	424 50	
				3 00	
Deposites	-	269,117 00	Notes discounted, outstanding	-	734 58
Certificates of deposit	-	42,936 76	Drafts, running to maturity	-	355,536 27
Collections, small balances	-	5,521 38	Drafts under protest	-	48,292 50
Bank United States, Philadelphia	-	391 03	Notes taken as collateral security of J. Hag-	-	32,008 63
Mechanics' Bank, New York	-	107,746 72	gerty, New York	-	13,726 73
Financial agents	-	743 33	Bank property	-	9,098 85
State Bank of Alabama, Mobile	-	30,740 00	Expense	-	4,420 52
Life and Trust Company, Tallahassee	-	343 82	Protests	-	161 50
Union Bank, Florida	-	3 00	Exchange	-	245 14
Commercial Bank, New Orleans	-	555 47	Interest	-	20,096 65
Bank United States, New York	-	2,490 09	Cash, silver	-	7,598 58
St. John, Powers, & Co., Mobile	-	2,013 35	Territorial draft	-	274 00
Gregory & Brothers, Mobile	-	390 42	Union and Trust Company's notes	-	1,505 00
D. C. Loubir, Mobile	-	800 00	Union Bank funds in hands of agents	-	39,061 50
T. Stewart & Co., Mobile	-	500 00	Pensacola	-	60,392 00
Time drafts on New York, protested, and due to individuals	-	3,000 00			
Time drafts on New Orleans, running to maturity	-	15,831 53			
Railroad Company	-	4,378 36			
Profit and loss	-	144 33			
Discount	-	11,017 17			
	-	1,069 61			
		1,105,848 37			1,105,848 37

* About \$20,000 called "in circulation," is in our branch at Appalachicola.

Commercial Bank, debt of securities.

Amount standing on books, debit of Commercial Bank . . .	\$22,992 88	Cash collected from J. C. W. Clay, included in items "collected on collaterals," per statement . . .	\$4,200 00
Bank, included in cash "item," per statement . . .	42,581 89	J. C. W. Clay's note, due July 11, 1838 . . .	\$28,438 27
		Less cash, as above . . .	4,200 00
		G. L. Middlebrook's note, dated May 1, 1838, and five years, in favor of Commercial Bank, assigned by H. Stevenson . . .	8,000 00
		Draft of Nourse, Brooks, & Co., in favor of G. L. Middlebrook & Co., on John Dill, collector, dated November 24-27, at 60 days . . .	4,800 00
		Undivided half of house and lot No. 88-11, Block, C, front range, Appalachicola, valued at . . .	5,500 00
		Balance unsecured . . .	19,686 50
	65,574 77		65,574 77

The above is the unfortunate transaction of our late cashier at Appalachicola, who acted in this matter with great impropriety and contrary to instructions from this bank. The sureties of the cashier's official bond (\$20,000) are liable for that amount, and they have been notified to that effect, and there can, I am confident, be no legal evasion of the payment of said bond.

JAMES GATLIN, Cashier.

EXPENSES.		DISCOUNT EXCHANGES.	
December 12, 1833, to January 1, 1835		Dec. 12, 1833, to January 1, 1835	
1836	\$1,564 45	1836	\$4,590 48
1837	3,775 68	1837	10,558 72
1838	5,942 14	1838	13,081 63
1839	11,751 32	1839	34,101 23
1840	10,670 47	1840	26,982 38
	7,693 74		16,833 53
	41,697 80		106,137 97
INTEREST PAID.		RECEIVED.	
January 1, 1836		January 1, 1840	
1837	\$3,857 02		\$29,417 21
1838	3,780 00		
1839	17,946 16		
1840	13,632 84		
	49,513 86		
	88,729 88		29,417 21

It is proper here to remark that there is a large amount of interest due the bank, whereas all demands against the bank for interest on the 1st day of January, 1840, are charged to the bank in the above statement.

JAMES CATLIN, Cashier.

PENNAACOLA, July 2, 1885.

Sir: In pursuance of the amended charter of the Bank of Pensacola, I have the honor herein to enclose the semi-annual statement of the bank.

I have the honor to be, your obedient servant,

WARDE BURCHAN, Acting Cashier.

His Excellency the Governor of Florida.

Dr.

General statement of the Bank of Pensacola.

Cr.

Capital stock	-	-	-	Stock amount	-	-	\$2,492 85
Notes in circulation	-	-	-	Cash on hand (specie)	-	\$26,818 85	
Individual deposits	-	-	-	United States bank-notes	-	10,085 00	
Third semi-annual dividend declared this day	-	-	\$1,795 00	Alabama bank-notes	-	6,120 00	
Surplus fund	-	-	3,583 64	Florida (Tallahassee) bank-notes	-	5,368 00	
							48,391 85
Net profits the last six months	-	-	-	E. W. Gregory, New Orleans	2,119 92		
Commercial Bank, New Orleans	-	-	-	St. John & Leaves, Mobile	5,099 83		
				Booth & Allerbury, New York	15,021 25		
				Warde Burchan, agent, Appalachicola	9,563 84		
				Yates & McIntyre, Washington city	2,163 00		
				Bank of Columbus, Georgia	307 85		
				Union Bank, Florida	5,851 52		
				Notes discounted	-	-	40,127 21
							55,723 82

ORY OF FLORIDA, }
 y of Escambia, } ss.

rsuance of the requisition of section 9 of an act of the Legisla-
 ncil of the Territory of Florida, entitled "An act to increase the
 of the Bank of Pensacola and to amend the laws incorporating the
 nd for other purposes," passed February 13, 1835, and approved
 y 14 of the same year, personally came and appeared before me,
 lsigned, a justice of the peace in and for the county aforesaid, on
 ond day of July, in the year one thousand eight hundred and thirty-
 enry Hyer, Esquire, president pro tem., and Warde Burchan, act-
 hier, of the Bank of Pensacola, and made oath that the foregoing
 nt of the Bank of Pensacola, on the first day of July of the present
 true and correct.

HENRY HYER,

President pro tem.

WARDE BURCHAN,

Acting Cashier.

ribed and sworn to before me, July 2, 1835.

THOMAS M. BLOUNT,

Justice of the Peace, Escambia county.

SEM-ANNUAL STATEMENT No. 1, FOR 1836.

Bank of Pensacola in account with sundries.

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Dr. Cr.

To bonds payable	-	-	By cash in bank in specie and notes of other banks	-	\$69,466 88
To first instalment on bonds sold	-	-	By amount due from other banks	-	77,868 83
To deposit account	-	-	By notes and bills running to maturity	-	178,028 39
To profit and loss account for profits from 1st January, 1836	-	-	By bank property, fixtures, &c.	-	2,815 22
To notes in circulation	-	-	By profit and loss account	-	5,290 65
To amount due to other banks	-	-	By expenses for salaries, &c.	-	3,000 00
			By interest on bonds	-	18,650 00
			By amount paid instalments on railroad stock	-	
					355,119 97
					1836

WALTER GREGORY, President.
JAMES CATLIN, Cashier.

TERRITORY OF FLORIDA, } ss.
County of Escambia, }

Personally appeared before me, the undersigned, a justice of the peace in and for the county aforesaid, Walter Gregory, president of the Bank of Pensacola, and James Catlin, the cashier thereof, and made oath that the foregoing statement of the bank is true and correct in all particulars.

THOMAS M. BLOUNT, J. P., E. C.

PENSACOLA, July 5, 1836.

Sir: The Bank of Pensacola reports to you that it has effected the sale of the bonds issued by it, and endorsed by the Territory, to Thomas Bidle, Elihu Chauncey, Samuel Jaudon, and associates, at par; and the conditions of payment on the bonds are one hundred thousand dollars down, and the residue in instalments of one hundred thousand dollars each, to be paid to the bank on the completion of each ten miles of the "Alabama, Florida, and Georgia railroad," interest only to be paid on the instalments paid to the bank on the bonds.

The bank is subject to a preremptory call by the directors of the railroad company, to the amount of the bonds now issued; but an understanding is had with that company that they shall not insist on the payment of the instalments in full at once, but that payments shall be partially made, as the necessities of the railroad company shall require, of the one hundred thousand dollars now received on sale of bonds. They require only sufficient to pay for the preliminary surveys and expenses, and the amount of eighteen thousand six hundred and sixty-two dollars and fifty cents has been paid into their hands by the bank.

They will require further payments on the completion of the first ten miles of their road, when the second payment of one hundred thousand dollars on the bonds will be received by the bank. This rule of payment, it is understood, will be adhered to on the completion of every ten miles; a certain amount, equal to the cost of the completion of that length of road, will be required of the stockholders.

By this harmonious understanding, while the railroad will be progressing as fast as possible, the bank will always be able to provide the necessary funds, and at the same time be enabled to have at its command a capital sufficient for the purposes of discount and exchange, which will regularly increase as the railroad progresses, and by which it will be enabled, with ease and safety, constantly to earn the interest on the amount borrowed, until the whole expenditures for making the railroad shall cease.

The board of directors of the railroad company have not yet made their first report to the stockholders; but, by the information informally communicated to them, we are enabled to state as follows:

Major Graham, of the United States topographical engineers, by order of the Secretary of War, is detailed to make a survey of the route. He is now engaged in a *reconnaissance* to fix upon the true line of the road. As soon as he has determined the route, the survey of location will commence at Pensacola, and the work will be put under contract immediately. It is expected to be commenced by the 1st of February next, and it is expected that it will be completed to Conecuh county, Alabama, by the opening of the next business season. By authentic information from respectable planters of that county, it is ascertained that ten thousand bales of cotton are now raised there, which has to be wagoned forty miles to the Alabama river, and it will naturally come to Pensacola by the railroad, and will be the first-fruits of that enterprise. The facts collected this season by the railroad company are sufficient to warrant the conviction that their most sanguine calculations will be exceeded by the actual results.

The extreme lowness so late in the season of the rivers almost every year; the consequent high price of provisions, and other articles of interior consumption; the precarious nature of prices of cotton; the heavy charges on the rivers for the early freights; the perplexity and loss to the

interior merchant on account of the non-arrival of his goods at the opening of the cotton season ; leave no doubt but that the railroad will be used in preference to the rivers, both on account of its equal cheapness, and the absolute certainty and safety of transportation for the carriage of a vast amount of merchandise and cotton. To these add the additional and important fact of its being on the direct line of the great mail-route, and that it will shorten the time of transportation of the mail at least ten days to New Orleans ; it cannot be otherwise but that it must transport the mail and a vast number of passengers. From examination, from reports of intelligent planters, and of others that are well acquainted with the country, and whose testimony is of weight, it is ascertained that the country below Columbus, in Georgia, and Montgomery, in Alabama, through which and to which the railroad must be made, will yield from 160,000 to 200,000 bales of cotton by the railroad. Pensacola is the nearest port of export to all this region, and must draw to it, on account of the cheapness and facility of export from its harbor, the great portion of the cotton of this region. The facts stated must prove that the railroad will be very profitable, provided that its construction does not cost too great a sum of money. On this point it is proper to state that the president of the railroad company is himself an engineer of high reputation. He has examined the country thoroughly ; a survey of it was made by his direction, and his opinion is corroborated by that of Major McNair, another engineer of high reputation, that the whole road can be finished with all the material for transportation, for a sum less than \$1,500,000. Major Graham has not yet made his report ; but it is understood that his opinion will coincide with the others mentioned. These facts being proved, there can be no doubt but that the profits of the road will exceed eight per cent. per annum over all its expenses.

The bank being able to earn the interest on the whole amount expended until the completion of the road, when the latter is finished, the harmonious co-operation of the two companies in the production of additional capital will be evident : the one being employed in bringing down and the other in furnishing means to purchase cotton, acting and reacting on each other, furnish both with constant employment. Their mutual profits, added to the capital of the bank every year, must, of necessity, in a time much short of the period when the liabilities of the bank for the redemption of its bonds expires, compound it to an extent amply sufficient to redeem them.

We report that, in pursuance of the requisition of the charter, we have taken measures and shall put in operation a branch at Marianna, on the 1st day of January next.

We also shall, by the same date, or as soon after it as possible, establish a branch at Appalachicola. We have had previously to this time an agency at that place ; but, in compliance with the wishes of a portion of its citizens, we change it to a branch. Each of these branches will have a board of directors, president, and cashier. We shall endeavor to select prudent men to manage these branches, so that ourselves as well as the community will be benefited equally. We hope in our next report to give also the report of the railroad company, showing that the whole system is in safe and harmonious action.

Herewith is furnished the statement of the condition of the bank at this date. We believe it to be in good and safe condition. We have n

the institution was established to this time, made any bad debts, or of any kind.

WALTER GREGORY, *President.*
JAMES CATLIN, *Cashier.*

Excellency JOHN H. EATON,
Governor of Florida.

Dr.

Bank of Pensacola in account with sundries, December 26, 1838.

Cr.

To capital stock, bonds payable stockholders -	-	-	\$100,000 00		By bank property, furniture, fixtures, &c. -	-	\$2,815 22
To deposits -	-	-	25,078 57	\$125,078 57	By contingent expenses -	-	1,548 77
To bills issued -	-	-	-	83,130 24	By cash in vault, specie -	-	\$24,589 64
To profit and loss -	-	-	-	90,000 00	By United States bills -	-	1,663 00
To balance due Commercial Bank, New Or- leans -	-	-	-	4,794 54	By Tallahassee and Georgia -	-	3,961 00
To balance due Union Bank, Florida -	-	-	973 07		By Pensacola -	-	15,606 00
To balance due Booth & Allerbury -	-	-	488 02		By specie deposite in United States Branch, New Orleans -	-	45,819 64
To balance due D. Henderson -	-	-	629 69		By due from St. John, Gregory, & Co., agents, New Orleans -	-	56,000 00
			101 00	2,191 78	By J. E. Sheffield & Co., agents, Mobile -	23,861 86	
					By due from Mechanics' Bank, New York -	18,536 61	
					By due Warde Burchan, agent, Appalachi- cola -	6,750 53	
					By due Central Bank, Florida -	63,811 63	111,107 63
					By due Bank of Columbus -	46 00	67,037 63
					By notes discounted, running to maturity -	-	3,216 23
					By drafts -	-	
					By amount paid on first call of \$500,000; 14,920 shares of stock in the Alabama, Florida, and Georgia Railroad -	-	18,650 00
				305,195 13			305,195 13

Of the amount of \$22,861 86 reported due from St. John, Gregory, & Co., \$20,000 is for the purpose of obtaining specie which we have ordered to be shipped immediately to us.

James Catlin, Cashier.

WALTER GREGORY, President.

OF FLORIDA, }
 of Escambia, } ss.

y appeared before me, the undersigned, a justice of the peace
 he county aforesaid, Walter Gregory, president of the Bank of
 and James Catlin, the cashier thereof, and made oath that the
 ment of the bank aforesaid is true, to the best of their knowl-
 elief.

WALTER GREGORY, *President*,
 JAMES CATLIN, *Cashier*.

before me, December 28, 1835.

THOMAS M. BLOUNT,
Justice of the Peace, Escambia Co.

BANK OF PENSACOLA, *July 6, 1838.*

r: I have the honor to enclose you herein a semi-annual
 of this bank for the six months ending June 30, 1838. The
 of the bank during the term have been quite limited, and
 rely confined to advances to the railroad, and to collections and
 f paper. Our circulation would have been considerably les-
 it not been for the fact that the interests of the bank and rail-
 ed advances to keep the road in progress. Our present policy
 in our bills as fast as possible, and to prepare for resumption
 ayments as soon as circumstances will render it safe and expe-
 hope that time is not far distant.

ach respect, I am your obedient servant,

JAMES CATLIN, *Cashier*.

E. CALL, *Governor of Florida*.

our excellency is no doubt aware of the great loss we have sus-
 the death of our worthy president, William B. Rochester, Esq.
 I perceive, that Henry Hyer, Esq., of this city, has been elected
 of this bank in the room of the late president.

SEMI-ANNUAL STATEMENT.

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Dr. *Bank of Pensacola in account with sundries, June 30, 1838.* Cr.

To capital stock received on bonds	-	By instalments on railroad stock	-	\$332,840 33
To capital stock received in instalments	-	By advances to railroad	-	282,913 03
To notes in circulation	-	By amount due from other banks	-	49,414 36
To deposits	-	By amount due from agents	-	1,286 05
To Bank of the United States	-	By specie	\$18,780 27	
To other banks	-	By U. S. Treasury notes	3,350 00	
To individuals for collection	-	By notes of other banks	48,431 00	
To profits	-			70,561 27
		By bills renewable	-	214,566 67
		By bills remitted for collection	-	17,030 42
		By bills under protest	-	37,092 36
		By bank property	-	4,720 49
		By expense	-	5,814 06
		By interest	-	10,763 39
				1,027,002 43

HENRY HYER, *President.*
JAMES CATLIN, *Cashier.*

TERRITORY OF FLORIDA, *Escambia County, ss.*

Personally appeared before me, the undersigned, a justice of the peace in and for the county aforesaid, Henry Hyer, president of the Bank of Pensacola, and James Catlin, cashier thereof, and made oath that the foregoing statement of the bank is true and correct, according to the best of their knowledge and belief.

THOS. M. BLOUNT, *J. P. & Mag. C.*

cles of contract and agreement made and entered into, this second December, in the year of our Lord one thousand eight hundred thirty-five, by and between the president and directors of the Bank of Pensacola of the one part, and William H. Chase, agent of Thomas Bid-
dell, Samuel Jaudon, and Elihu Chauncey, financial agents of the Pensacola Association, of the other part :

That, by an act of the Legislative Council of the Territory of Florida, passed February 13, 1835, and approved February 14, 1835, entitled "an act to increase the capital of the Bank of Pensacola, and to amend the charter of said bank, and for other purposes," it is provided, among other things, "that, for the purpose of enabling the bank to subscribe for and construct the Alabama, Florida, and Georgia railroad, it shall be authorized to issue its bonds, payable to the Territory of Florida, for a sum not exceeding five hundred thousand dollars, in bonds for the sum of one thousand dollars each, bearing interest at the rate of six per cent. per annum from the date thereof, payable semi annually, at such place or places in the United States or the Territory of Florida, as may be deemed most convenient; and which bonds, by the terms of the charter aforesaid, are to be sold by the Governor of the Territory of Florida, and attested by the Secretary thereof, under the seal of the Territory, and then to be delivered to said bank for sale;" and, whereas, the bank has issued its bonds accordingly, for the said sum of five hundred thousand dollars, in bonds of one thousand dollars each, which said bonds, and every of them, have been duly attested in manner and form as prescribed in said act of Council; and whereas, it is further provided, in said act of Council, that the said bank, upon certain conditions, therein specified, issue like bonds to the amount of ten bonds, for one thousand dollars each, for each mile of railroad which shall be constructed and finished, to be endorsed and attested in like manner with the first-mentioned bonds; and, whereas, the bank has become the purchaser of said railroad stock, and has issued its bonds for the sum of five hundred thousand dollars, in bonds of one thousand dollars each, endorsed, attested, and delivered, in terms of the said act, and, whereas, in prosecution of the work on said railroad, the bank has issued other bonds, to be endorsed and attested in manner and form as prescribed in said act of Council; and, whereas, the said Thomas Bid-
dell, Samuel Jaudon, and Elihu Chauncey, financial agents of the Pensacola Association, through and by their agent, the said William H. Chase, have become the purchasers of said bonds: Now these articles of contract and agreement witness that the said president and directors of the Bank of Pensacola covenant and agree, on their part, to sell and dispose of, to the said William H. Chase, agent for said Thomas Bid-
dell, Samuel Jaudon, and Elihu Chauncey, financial agents of the Pensacola Association, the said five hundred thousand dollars, first authorized to be issued by the Council aforesaid, upon terms and stipulations following, to wit: the said bonds shall be the par value of said bonds, and the purchase shall be absolute and final: the interest on said bonds, at the rate of six per cent. per annum, shall be paid semi annually in Philadelphia, at the Bank of Pennsylvania, or such other bank as may be hereafter agreed upon, and the delivery of them to the party of the second part shall pass with the execution of these articles of agreement, but

the interest thereon shall not begin to accrue until payment of the same shall be made; and the said president and directors of the Bank of Pensacola further covenant and agree, that if, at any time hereafter, they should issue more bonds, in terms of the act of Council aforesaid, they will offer the same bonds to the parties of the second part, upon the same terms and conditions as are attached to the sale of the bonds for five hundred thousand dollars, now issued and sold to the said party of the second part, and such sale shall be made within one month after they are respectively issued; the president and directors further covenant and agree, that they will always hold themselves ready bound to furnish such bonds as they have authority and authority to issue, upon the request of the party of the second part. And the said William H. Chase, agent for Thomas Biddle, Samuel Jaudon and Elihu Chauncey, financial agents of the Pensacola Association, covenants and agrees, for himself and for his constituents, that he will pay the purchase-money of said first bonds for five hundred thousand dollars, the sum of one hundred thousand dollars in cash, and the balance of the purchase-money, in sums of one hundred thousand dollars, upon the completion of each ten miles of the Alabama, Florida, and Georgia railroads, until the whole purchase-money be fully paid. And it is hereby agreed and covenanted and agreed between the parties contracting, that the future payments shall be made in Pensacola, or New Orleans, or in Philadelphia, at the option of the parties of the second part, upon their giving notice to the bank of one month at least before the said parties' payment shall become due and payable, at the place of payment, whenever New Orleans or Philadelphia shall be selected as the place of payment. And it is further covenanted and agreed, by the parties of the second part, that if the bank should hereafter issue other bonds, and the said party of the second part should not become the purchaser of said bonds, it shall, upon the request of the party of the second part, endeavor to sell and dispose of said bonds in the United States, or in Europe, at a commission not exceeding two and one-half per cent. And it is further agreed and covenanted by and between the parties of the first part and the parties of the second part, that, should the bank issue other bonds, at any time hereafter, in terms of the charter, and the party of the second part become the purchaser of the same, that the payment of the interest on said bonds shall be made in the mode, and in the places, to be after specified for the payment of the interest on the first bonds for five hundred thousand dollars, and the final payment of the bonds shall be made at Philadelphia; the purchase-money for the said bonds hereafter to be issued, shall be made at such places, and in such sums, as shall be after agreed to by the parties.

In testimony whereof, the said president and directors of the Bank of Pensacola, through their president, Walter Gregory, and the said W. H. Chase, agent for Thomas Biddle, Samuel Jaudon, and Elihu Chauncey, financial agents of the Pensacola Association, have hereunto affixed their seals, and subscribed their names, at Pensacola aforesaid, the day and date above written. The name of the cashier of the Bank of Pensacola, and the corporate seal of said bank, being also affixed as further attestation of this contract.

[Done in duplicate.]

It is hereby agreed, by the parties hereto, that the purchasers of the bonds shall have the right of specifying, upon the face of each bond, at

and in Philadelphia the interest on said bond shall be payable, upon giving to the Bank of Pensacola thirty days' notice of such specification.

WALTER GREGORY,
President of the Bank of Pensacola.

[SEAL.]

JAMES CATLIN, *Cashier.*

WM. H. CHASE,

Agent for the Financial Agents of the Pensacola Association.

Witness:—J. A. CAMERON.

BANK OF PENSACOLA, April 3, 1840.

I certify the foregoing to be a correct copy of the original articles of contract for the sale of the five hundred bonds endorsed by the Territory of Florida.

JAMES CATLIN, *Cashier.*

TALLAHASSEE, April 28, 1840.

SIR: Since concluding my report upon the condition of the Bank of Pensacola and the Alabama, Florida, and Georgia railroad, I learned that Mr. Taylor, at one time president of the latter corporation, was in this city; and, availing myself of his presence, I addressed to him certain questions which, with his reply, are herewith enclosed.

I have to request that the whole may be appended to the report above mentioned, as tending to a more full explanation of the condition of the railroad company.

I have the honor to be, your very obedient,

WALKER ANDERSON.

His Excellency ROBERT RAYMOND REID,
Governor of Florida.

TALLAHASSEE, April 27, 1840.

DEAR SIR: Your long connexion with the Alabama, Florida, and Georgia railroad, and, for a part of the time, as president of the company, will enable you to add some additional information to that contained in the body of the report which I now hand you. I accompany it with certain questions upon specific items; your reply may embrace any other points that occur to you as relevant to the subject.

Your very obedient,

WALKER ANDERSON,
Commissioner.

W. B. TAYLOR, Esq.

Questions to W. B. Taylor, Esq.

1. Specification of materials purchased for the Alabama, Florida, and Georgia railroad, and afterward sold; amount produced by the sale; when sold; and for what purpose.

2. Specification of materials turned over to the Montgomery railroad; and value thereof, as consented to by that company.

3. Specification of materials remaining on hand, and value thereof (approximate).

4. Specification of work finished, and approximate value thereof.

5. By what authority did the Alabama, Florida, and Georgia railroad subscribe stock in the Montgomery railroad?

6. In what progress or what condition is the Montgomery railroad? Have the other stockholders the means of continuing or completing it?

TALLAHASSEE, April 27, 1854

DEAR SIR: Your note of this morning is before me, together with a sketch of the report and series of questions concerning the Alabama, Florida, and Georgia railroad.

As to questions 1st and 2d, iron was purchased for 80 miles of road, including 2,500 tons; spikes to the value of about \$8,000.

Timber for 14 miles of superstructure, including that for the bridge over the Escambia, and piles and square timber for the trestle-work, 4 miles of the river swamp; all which cost \$40,000.

Two locomotive engines and tenders; one steam pile-driver.

The iron work and materials for 100 burden cars.

Materials and furniture for 12 passenger cars, five of which are full and complete; outfit for the engineering department, including all necessary camp equipage, instruments, &c.

Bricks, granite, and timber for the construction of car-houses, engine-houses, and workshop, with power-lathe, tools, &c., for latter.

A large number of wagons, carts, wheelbarrows, and various tools. Several flats for working hand pile-drivers, fixtures for such pile-drivers may be enumerated as effective material laid up for use on a recommendation of the work.

Out of the foregoing have been sold:

1,000 tons of iron to Montgomery Railroad Company, at \$83 per ton	-	-	-	-	-	-	-	-	\$
Spikes to the amount of	-	-	-	-	-	-	-	-	-
Dirt-cars, springs, a quantity of perishable articles belonging to cars, such as oilcloth and broadcloths, and other articles not distinctly remembered, estimated at	-	-	-	-	-	-	-	-	-

An answer to 5th and 6th questions will be properly in place here. The object in changing the termination to Montgomery instead of Columbus was, that the road would traverse a richer country, and still reach the Chattahoochie river, by connecting with the Montgomery railroad by means of the right of a branch to Selma, a junction can be formed with the Selma and Tennessee Valley railroad; while a saving is made in the distance of 44 miles, at the same time that a better grade is obtained. The route as located to Montgomery is 156½ miles; to Columbus it is 200 miles. It required the consent of two-thirds of the stockholders of the Montgomery company to enter the town of Montgomery. They received the subscription to their stock as a bonus for the privilege, agreeing

ive payment therefor in iron; hence the existing arrangement with a company, sanctioned by a majority of the stockholders of the bank, and consummated by the directors of the Alabama, Florida, and Georgia Railroad Company, as appears by the minutes of their proceedings at the period. The Montgomery railroad will be finished and in operation a distance of 35 miles in May next, as I have recently learned from the chief engineer, and as I have seen stated in the public prints.

One thousand one hundred tons, or thereabouts, were shipped to New York in November, 1839, to be sold, to pay off a debt of \$95,000, contracted to enable the bank to resume specie-payments in January, 1839. I have understood that the iron would, by the terms of the pending negotiation for the sale, more than pay the debt. On this subject I cannot be more explicit, having been absent from Pensacola since December last, and not being informed of the issue of the sale.

One hundred tons of iron, or thereabouts, have been sold to the Tallahassee and St. Mark's Railroad Company. The amount of sale is about \$9,000, payable in specie or its equivalent. The deranged state of the agency has as yet kept back the payment.

As to question No. 3, relative to materials on hand, timber as

as stated	\$40,000
Three hundred tons iron	25,000
Two locomotive engines and steam pile-driver	19,000
The materials complete for about 90 burden cars, at \$200 each	18,000
Five passenger-cars, finished, or nearly so, to average cost \$1,500 each; put at \$1,200 each	6,000
Belonging to engineer department, instruments, camp equipage, &c., say	8,000
Materials for 7 passenger-cars, incomplete, part having been sold to Montgomery company, estimated at \$500 each	3,500
Property called Woodbine, consisting of saw-mill, and 1,200 acres of land on the farther side of Escambia, intended for a depot, and to furnish timber for the line beyond that point	7,500
The interest in the Champion may be put at \$8,500; for which sum the company hold the notes of solvent individuals, to whom the boat was sold	8,500
	<u>135,500</u>

To the above should be added the probable avails of the 1,000 tons of iron sent to New York for sale (say \$95,000), and for which sum the railroad company is entitled to credit in reduction of its debt to the Bank of Pensacola; also is to be added the amount to be received from the Tallahassee Railroad Company.

The stock of the Montgomery railroad you have already noted as assets. As to the miscellaneous materials before enumerated, I can only remark that the quantity is in proportion to the large scale of the operations of the company heretofore. It would be more difficult than important to estimate what they are worth. As they are not perishable, the company has no wish to dispose of them.

As to the 4th inquiry, viz: the amount of work finished, and approximate value:

The final location has been made to Montgomery, 156½ miles. Between Pensacola and Escambia (10 miles) the grading and trestlework are finished, except at the intervals of two small creeks; thence across the Escambia river and marsh 4½ miles. The timber and materials have accumulated, and are in readiness for use. From the farther side of Escambia (after the first mile, which is of heavy grade, and yet unfinished) 6 miles are graded; thence a line of about 10 miles occurs of natural level scarcely requiring to be graded; thence forward to the Conecuh river about 24 miles, the country is comparatively level, and requires but a small expenditure in grading. I deduce, then, that equivalent to 20 or 25 miles is graded, in reply to your inquiry upon the amount of work done.

To all those whom interest in the work, or a disposition to invest in it, has led to examine the character of the route and the progress of the survey, the calculations and conclusions are familiar: that the obstacles heretofore encountered, and in a great measure overcome, have been infinitely greater than will again be met with in the whole route, and that at a comparatively trifling cost the remainder of the line to the Conecuh can be speedily completed, when the first-fruits of the enterprise will be realized; it depends upon the completion of the work no farther than this point, to answer your inquiry as to the "approximate value" of the work already done; and I therefore state it is scarce admitting of doubt that this design once achieved, the work will begin to repay all that has been expended upon it; and its farther completion to Montgomery will be amply guarantied by the influence of private and local enterprise and the community of our extensive, fertile, and fast-populating section of country, which begins at that point, who look with the deepest interest to the completion of this road. It was begun, as many others were, at a time of flattering prosperity, and was discontinued, as many others were, at a time of sudden adversity. The efforts of the managers and wishers of the undertaking, have been incessant to revive it; and the aid of the General Government by a grant of lands has been invoked, and the subject is at this time being brought to the attention of Congress by the president of the company, now at Washington.

In reference to the bonds for duties on the iron, to which you allude in your report, I will remark, that these bonds are subject to cancellation upon the production of the usual certificates that the iron is laid down. It will be the case with that sold to the Montgomery company during the next month; and steps have been taken to secure the like certificates relative to that shipped to New York.

The foregoing statements are made from memory. A reference to the documents and records of the company would, no doubt, suggest many others pertinent to the subject of your inquiry.

I am, very respectfully, your most obedient servant,

W. B. TAYLOR

WALKER ANDERSON, Esq., *Commissioner*.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

IN FURTHER COMPLIANCE

a resolution of the Senate in relation to the bonds issued under the authority of the Legislature of Florida.

MAY 19, 1840.

Read, and ordered to be printed.

to the Senate of the United States:

communicate to the Senate a copy of a letter from the Governor of Florida to the Secretary of State, containing, with the documents accompanying it, further information on the subject of the resolution of the Senate of the 30th of December last.

M. VAN BUREN.

WASHINGTON, May 18, 1840.

EXECUTIVE DEPARTMENT, May 7, 1840.

Sir: In obedience to the resolution of the Senate of the 30th of December 1839, I have the honor to enclose certain other information, containing of

1. Report of the commissioners appointed to examine the branches of the Southern Life Insurance and Trust Company at Appalachicola and St. Joseph.

2. Report of the Bank Committee of the House of Representatives.

3. Reports of the bank [Southern Life Insurance and Trust Company] for the years 1837, 1839, and 1840.

4. Report of the commissioners appointed to examine the Union Bank at St. Joseph.

5. Report of the commissioners appointed to examine the Lake Wimico and St. Joseph Canal and Railroad Company.

I have still other information which will speedily be communicated.

I am, sir, very respectfully, your obedient servant,

ROBERT RAYMOND REID.

Hon. JOHN FORSYTH,

Secretary of State of the United States.

Report upon the Appalachicola branch of the Southern Life Insurance and Trust Company and its agencies at St. Joseph.

The undersigned commissioners, appointed by your excellency to examine into the condition of the agencies of the Southern Life Insurance and Trust Company at Appalachicola and St. Joseph, report:

That on Saturday, the eleventh of April instant, they organized a commission at Appalachicola and addressed a letter to George I. Field, president of the bank, informing him that they were prepared upon a discharge of their duties, and upon the receipt of his answer the same day, commenced the required investigation relative to the bank and agency above mentioned.

Though Mr. Field is now president of the institution, and has been in the office of principal cashier from the time it commenced operation at St. Joseph, the circumstance of not having been for several years in St. Joseph, where the present bank is located and the general accounts and branches are kept, as a reason for not being able to answer many questions which the undersigned deem necessary in order to obtain a correct knowledge of the character and condition of the institution.

The Southern Life Insurance and Trust Company commenced operations in St. Augustine in the fall of 1835; the directors or trustees being Lot Clark, Thomas Douglass, J. S. Smith, S. S. Peck, Downing, Andrew Anderson, and R. R. Reid, of Florida, and Beers, Walter Bowne, and John Delafield, of New York. The subscription having been opened at St. Augustine, and the stock received by the commissioners named in the act incorporating the company. The amount subscribed was two millions of dollars, one per cent. was paid at the time: the Florida stockholders paid and those in New York and the north, where the stock was not being furnished, by their agents, certificates of deposits in New York for the instalment due on their subscriptions. During the months of August, September, and November, 1836, a further call of fifteen per cent. was made, making three hundred thousand dollars, which, with the first instalment, forms five hundred thousand dollars, the present paid-up capital of the bank, to which attention is further directed hereafter. In December, 1836, a branch was established at Appalachicola under the superintendence of Mr. George Field, the cashier, under whose management it has remained until this time; and shortly thereafter an office was established at St. Joseph under charge of Mr. C. S. Smith, who was succeeded by the present superintendent Mr. James H. Smith. In the spring of 1839 a branch was established at Jacksonville, Florida, under the sole management of Mr. A. M. Reed, and about the same time, namely, 1840, another branch was established at Tallahassee, which is managed by the present cashier of the company, Mr. John Williams. The board of directors or trustees composed of Messrs. T. R. Beers, Branch, William Fisher, Robert Lyon, and Samuel Reed. In the fall of 1839, Mr. Lot Clark, formerly president of the bank, was employed in New York as an agent of the bank, for the purpose of attending to the payment or negotiation of exchange purchased and forwarded to the bank and branches in Florida and the payment of drafts drawn by the bank payable in that city, but the commissioners do not learn from him that the president of the bank that its funds are employed by Mr. Clark for other purposes.

to a provision in the original act of incorporation, passed in company, during the past summer, issued four hundred bonds and dollars, or two hundred and twenty-five pounds sterling at five per cent. interest and payable in London (where they are so payable) at twenty-six years after date. The whole were endorsed by Governor R. K. Call, in conformity to the act, two hundred and twenty-four about the 20th of August last made, and one hundred and twenty-six about the 20th December, from about which certificates bear date. Prior to this endorsement, the committee informed that mortgages of undoubted security for the full amount (or hundred thousand dollars) were placed in the hands of the assignee as a guaranty for the payment of the certificates according to the conditions specified. One hundred and fifty of them are now in the hands of the agent of the bank in New York; but it is not supposed that any have been sold, nor any specific instructions been given as to price on sale, or other business to be employed beside the officers of the bank. The president of the bank estimates the value of these certificates in the American and European market at the rate of the capital of the branch at Appalachicola has been the sum of one hundred thousand dollars, and moneys borrowed in 1837, 1838, and 1839, in New York, London, a portion of which remains unpaid. The office at St. Augustine has no account with the parent bank, but accounts with the branch at Appalachicola, with which its business and profits become merged. The profits and expenses of these two offices during the year have been in operation have been as follows :

interest received	-	-	-	-	\$19,043 66
discount	-	-	-	-	72,337 97
exchange	-	-	-	-	22,039 91
other profits	-	-	-	-	43,389 83
					<hr/>
					156,821 37
interest paid	-	-	-	\$6,520 38	
discount	-	-	-	4,722 35	
exchange	-	-	-	782 30	
on other profits	-	-	-	12,477 22	
general expense account	-	-	-	27,589 63	
					<hr/>
					52,091 88
					<hr/>
Leaving balance of profits	-	-	-	-	<u>104,729 49</u>

amount, however, will be diminished hereafter in settling the money borrowed in England by the charges of exchange and

The bank has regularly paid dividends of five per cent. semi-annually, the last, which was four per cent.; the dividends due in Florida, St. Augustine, and those due to northern stockholders at the bank, New York, where a transfer-book has been kept for the registration of sellers and buyers of the stock. The subscribed capital of the bank, as herein-before stated, amounted to two millions of dollars; but by an amendment to the act of

incorporation, passed in February, 1838, the stockholders were permitted to surrender their scrip, and take certificates of full stock; a measure of which the present president, and the large subscribers generally, are understood to have taken advantage; so that the actual capital of the bank would appear to be the four hundred thousand dollars before mentioned. Nevertheless, in the consolidated statement furnished to the Legislature in January, the capital stock of the company is put down to \$821,821. In reply, to an inquiry respecting the manner in which this additional amount was paid, Mr. Field, the president, answered: "The last three hundred and odd thousand dollars increase of capital inquired about was paid in such funds, and in such manner, as were satisfactory to the trustees, I cannot now designate;" and to the direct inquiry whether the whole or part was predicated upon property mortgaged, he replied: "I have not the means of answering." Upon this point, therefore, the commissioners can only add that they would be gratified, were it in their power, to report more specifically.

The bank suspended specie payments in 1837, and resumed in 1838 since which specie payments have been continued; but payment is only made at St. Augustine (where few of the notes are issued), except for a trifling amount made payable in Appalachicola. Owing, probably, to the unpopularity of the institution on the eastern coast, where the people during the past year, continued to "run the bank" with the notes that were attempted to be circulated in that quarter, her circulation was such at the time of the second suspension of the southern banks in 1839. On the 1st January, 1840, the circulation of all the offices, as per printed statement, amounted to only \$49,513; and, in the opinion of the President, it does not now amount to \$100,000. During the past year, the branch at Appalachicola has done its local business principally in the convertible notes of the Union Bank of Florida, running them in payment for dues, and paying them out again on discounts: and thus far has kept the amount on hand so small, at any time, that no arrangement respecting it, as to payment by the Union Bank of balance or interest, has been made. The branch has also drawn drafts on the north for Union Bank notes; "and graduated the terms by our own convenience and the choice of the applicants upon our consideration." The highest rate drawn for is understood to have been fifteen per cent.; but a still higher rate has been refused. For its own notes, the bank has drawn regularly, at from 30 to 90 days, for a premium of two per cent.

For circumstances before mentioned, a list of the stockholders, the commissioners are informed, can only be procured at St. Augustine, at which place a semi-annual list is sent from New York twenty days before the payment of a dividend. The profits of the offices are periodically transferred to the parent-bank. Such transfers from Appalachicola and St. Joseph have been as follows :

In March,	1838	-	-	-	-	-	\$22,751 7
June,	1838	-	-	-	-	-	20,835 2
January,	1839	-	-	-	-	-	20,000 0
June,	1839	-	-	-	-	-	20,000 0
							83,567 0

nearly all the alleged profits made up to this time, without any allowance for bad debts or other contingencies. Though the branch has been in operation more than three years, we have, in the statement furnished, dated 14th April instant, the whole of the discounted paper set down under one head, and in one line. No part is stated as bad or doubtful, none protested, and none overdue. Information that all is considered good is by no means sufficient; and to learn that no part is due from directors or trustees is rather unimportant, inasmuch as, until within a few months, all the trustees have been connected with the parent-bank at St. Augustine, where they reside; and there have *never been* any trustees or directors connected with the agencies of Appalachicola and St. Joseph. In the statement furnished to Legislature, January 1 1840, stand the following items:

Notes discounted	-	-	-	-	-	\$400,728 33
Bills of exchange discounted	-	-	-	-	-	67,351 23
						<hr/> 468,079 56 <hr/>

In the statement of the 14th April, the same items are thus expressed:

Notes and bills discounted	-	-	-	-	\$439,282 47
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"The notes," above mentioned, on the 1st of January, without further explanation, may be considered "local paper," of which Mr. Field says, in reply to query E, "we have discounted of local paper *very little* during the winter." This avowal naturally leads to an inquiry as to how much of these "notes discounted" have been paid, and how much remains under this head; for should it appear that the amount remains about the same, when little has been added to it by new discounts, there would be evidence of its being in part, at least, old paper that the debtors are not in present condition to pay. If, on the contrary, the amount was found sensibly diminished, while the total of "notes *and* bills discounted" remained about the same, there would be evidence that the branch had diverted funds from the more legitimate business of discounting paper payable at home to the less legitimate but more profitable business of discounting paper payable abroad. The practice of refusing from customers promissory notes made payable at home, and compelling them to draw on funds in distant places, which gives the bank a commission on the interest in the first instance, and probably a premium afterward, when the same party is obliged to procure distant funds to meet engagements unwisely fixed abroad, has, of late years, been a common resource for bank profit and bank tyranny, from charges of which the Southern Insurance and Trust Company has not been exempted; and, how unwilling to relieve the public mind from this impression, the commissioners, by the act of the president of the institution, are denied the right of inquiry.

An inquiry into the nature of cotton transactions was rendered necessary by the fact that the public has witnessed large transactions apparently controlled by the branch through agents or speculators not standing high in point of pecuniary responsibility, and who, as they could do nothing but the cotton purchased to the bank in event of loss, would be unable to make up the deficiency which, during the past year, has been lost in the sale. While the president, in his reply, denies the truth

of what the public has thought itself justified in believing, he same time admits a charge, often and gravely made of late years : banks of issue, namely, that of interfering with the regular busi the merchant. Armed with corporate privileges, and the power of paper-money in payment of its purchases, the branch has, it a entered the market as the competitor of the merchant, who is not ized to manufacture paper-money, and thus, to a certain extent, olized commissions and exchanges, which should be the recomp private talent, devoted to the legitimate business of the merchant president informs us that this dealing in cotton was "sought" part of the bank. This is certainly a perversion of the act of the lative Council, and is a course, on the part of the company, very f fulfilling the purposes for which it was created. It could neve been intended by the Council that the banking institutions of th ritory should enter into the cotton-market. Their extensive capit joined with their controlling influence over the currency at any pa locality, would give them a controlling power over the market in alike to the planter and the merchant, to whom such dealings more appropriate business.

Having finished such preliminary inquiries as were necessary ving at a knowledge of the general history of the Southern Life Ins and Trust Company, the commissioners requested from Mr. Field ment of the affairs of the branch at Appalachicola, which 'was gi herewith appended, made up to the 14th instant. The items ge require little explanation ; though it may be noted that of "cash," "notes of other solvent banks," the greater part is in bills of the Bank ; but two items—transactions in cotton, and notes and bi counted, amounting to the large sum of \$605,621 92, required, opinions of the commissioners, a thorough investigation before the enable your excellency to respond to the resolution of the Senat United States so far as concerns the "condition" of a bank hav use of bonds nominally issued upon the faith of the Territory, u far it is fulfilling the purposes for which it was created. We shoul been gratified to have had it in our power to make a more specific of the condition of this branch of the company than we are abl owing to this refusal, on the part of the president of the company, mit a list of notes and bills discounted to our examination.

The cause assigned by him is, that to furnish a list of these so would be incompatible with "good faith" to the customers of th and "commercial honor."

We were not prepared to expect any thing of this kind, as banking institution in the Territory had furnished such a list : any objection, and more especially as the act of the Legislature which the company claims to exercise all its functions, provide examination of the most thorough nature into its affairs. Having a the act of the Legislative Council, and exercised banking pr under its conditions, we had no right to anticipate that an inquir in conformity with the spirit of these conditions, and involving searching scrutiny than as provided for in the act, would be ref the ground that it was incompatible with "good faith and com honor."

The information sought for was certainly necessary to enabl form and communicate to your excellency a reasonably accurate

condition" of the company—a matter of importance to the company who may hold its obligations, and to the foreign stockholders, which is also the principal object of the resolution of the Senate.

The Legislative Council had foreseen that occasions might arise when public interests would require a strict and scrutinizing examination of the company. Accordingly, we find, in the 16th and 17th sections of the act which established the company, that provision is made for "a full and thorough investigation of the affairs and management of the company, and in relation to the ability and integrity with which its affairs are managed, the prudence and safety of its investments, the profits afforded to those by whom the engagements are held," and, "all the affairs of the same."

The Senate could more fully confer a power to institute the most minute examination of the company and the Legislative Council, as well as the stockholders, must be satisfied that an occasion might arise when both the public good and the interests of the stockholders might render necessary such inquiry, without violation of "good faith and commercial honor."

I do not deem it irrelevant to that part of the resolution of the Senate which requires the ascertainment of how the banking corporations of the Territory had fulfilled the purposes for which they were created, to inquire whether any difference was made in selling exchange between the bills of the company and those of other banks of the Territory: we were informed that a difference was made, and that when notes of the Union Bank were made the medium of payment, the sale of exchange varied from 15 per cent., which valuation depended on convenience and the merits of the applicants to the consideration of the company. We make no comment on this exhibit of the value set by one of the banking institutions of the country upon the bills of another, but the fact may aid the Government of the United States in forming a judgment as to how far they have fulfilled the objects of their creation.

It does not come strictly within the purview of our commission, but we do refrain from calling the attention of your excellency to the fact that the principle adopted of ranging the rate of exchange when payment is made in the depreciated notes of another bank, according to the "claims" of the applicant to the "consideration" of a banking company, affords a most inequitable mode of rewarding friends and punishing opponents.

Friendship may be rewarded, and opposition conciliated, by a rate of 10 per cent., while 15 or 20 per cent. may be exacted from those who may have earned a claim on the consideration of the bank.

The office of the Southern Life Insurance and Trust Company, at Tallahassee, being merely a dependancy of the branch at Appalachicola, the Commissioners transmit a statement of its affairs made up to the 14th of January in answer to their request, and add no comment. All the written communications that were received from the president of the bank, are also, herewith transmitted. It is due to the branch at Appalachicola to state that its affairs have been so conducted as to enable it, at all times, to redeem the notes of the bank by northern exchange, at what may be considered a reasonable rate in comparison with the rates charged by other banks in the Territory.

E. R. GIBSON, *Chairman*,
GABRIEL J. FLOYD,
HIRAM MANLY.

Very respectfully,
ROBERT RAYMOND REID,
Governor of the Territory of Florida.

No. 1.

APPALACHICOLA, April 11, 18

SIR: The undersigned, commissioners appointed by the Hon. B. R. Reid, Governor of the Territory of Florida, in pursuance of the authority invested in him by a certain resolution of the Senate of the United States, communicated by the Secretary of State (a copy of which documents accompanies this), take this opportunity of informing you that we are ready to enter into an examination of the state of the Appalachian Branch of the Life Insurance and Trust Company. We also wish to request from you, as president of the company, such other information as may be useful and necessary to advance the objects of the resolution of the Senate of the United States referred to.

We have appointed T. S. Brown secretary of the commission, and request you will allow him to make such preliminary inquiries as may enable us with most ease to you and to ourselves to make the required examination.

We have the honor to be, your very obedient servants,
E. R. GIBSON, *Chairman*
G. J. FLOYD,
HIRAM MANLY.

GEORGE FIELD, Esq.,
*President of the Southern Life Insurance
and Trust Company, Appalachicola.*

No. 2.

SATURDAY, APRIL 11, 1840,
Half-past 3 o'clock, P. M.

SIR: Agreeably to the request contained in your letter of the 10th inst. just delivered to me by Mr. Crook, by the direction of the commission, I enclose to you a series of questions marked A, B, C, to which we request answers as soon as your convenience and indisposition will permit us to furnish them.

I have the honor to be, your very obedient,

E. R. GIBSON, *Chairman of Commission*

GEORGE FIELD, Esq.,
*President of the Southern Life Insurance
and Trust Company, Appalachicola.*

No. 3.

QUERY A.

1. Amount of bonds issued and endorsed by the Governor of the Territory?
2. Date of the bonds?
3. When endorsed?
4. Name of the governor who endorsed?
5. Amount disposed of?
6. At what time?
7. At what place?

as the agent employed to effect sale?
 in were they sold?
 at price?
 at funds?
 was payment made?
 was it made?
 are the bonds made payable (and the interest)?
 do they become due?
 of the bonds unsold? if so, where, and by whom held, and
 as to sale?
 of bonds sold how appropriated?
 the present value of those bonds in the American and
 sets?
 a copy or fac simile of the bonds.

No. 4.

QUERY B.

the original subscribers or stockholders residence—time of
 number of shares—how much paid—in what funds?
 were the subscriptions received—and at what place?
 of the stockholders on the 1st of January in each year,
 the bank commenced—their residence—number of shares
 -and amount paid upon such stock—and how paid?
 re the directors and officers of the bank during each year?
 encies or branches have been established—with the names
 s and officers of each?
 of interest, discount, and commission, received by the bank
 in each year, stated under separate heads; also, amount of

 of interest and exchange paid in each year?
 -account of the bank and branches for each year?

No. 5.

QUERY C.

time did the bank commence operations?
 amount of capital was then paid up, and of what funds was it

 amount of dividends has been paid in each year?
 salary has been allowed the president of the bank for each

 re been any forfeitures of stock since the bank commenced

 d the bank suspend specie payments, and when did it re-

No. 6.

QUERY D.

1. Amount of interest, discount, exchange, and commission, made by the office here in each year, under separate heads ; also, amount of other profits ?
2. Amount of interest, exchange, &c., paid in each year ?
3. Expense-account of each year ?
4. In what manner have stockholders in this place paid their shares, and what is the condition of the subscription ?
5. Has not the bank an agency in New York ? if so, state the place in which it was established.
6. Statement of the affairs of the bank at this place up to the 13th of April, 1840).

No. 7.

QUERY E.

1. Does the bank here redeem its notes, or any of them, in specie, and if not, in what manner does it redeem its liabilities ?
2. What amount of exchange has been bought, and what amount sold, by the branches during the past twelve months ?
3. Does the branch receive the Union Bank notes in payment of dues ?
4. At what rate, and on what conditions, do you receive, or have you received, Union Bank notes in payment of exchange ?
5. Has the bank made loans in Union Bank notes ; if so, on what conditions, and what conditions of payment ?
6. Have you any arrangement with the Union Bank or its branches, regard to receiving its notes ?
7. When was the last \$321,821 of the capital stock paid, and from what funds ?
8. Who were the appraisers of property in Appalachicola ?
9. At what rate have you drawn exchange during the past year for your own notes, and what is the present rate ?

No. 8.

APPALACHICOLA, *Friday noon, April 17, 1840.*

SIR : As a conclusion to our examination I send you some copies of the paper marked F ; and we wish at the same time a list of the bills and notes discounted for the \$439,282 contained in your statement furnished us this morning, together with the names of the drawers and acceptors, promisers and endorsers, on the same, with the dates, and time of maturity.

I am, your very obedient,

E. R. GIBSON,
Chairman of Committee.

GEORGE FIELD, Esq.,
President Southern Life Ins. and Trust Co., Appalachicola.

No. 9.

QUERY F.

the Office of the Southern Life Insurance and Trust Company, Appalachicola.

bank advanced money to any person to purchase cotton? at conditions was it furnished?

bank any demands, in the shape of reclamations, for such if so, what amount?

portion of such claim considered bad or doubtful? If so, ?

persons, or any of them, to whom such advances are made, enabled, in case of loss on the cotton, to repay the same?

bank employed agents to purchase cotton? If so, to what n what conditions?

u ever, at this branch, redeemed your notes, at a discount,

funds of the bank, or any portion of them, employed by the York in purchasing bills of exchange, purchasing notes, or purpose than paying the drafts drawn on him by the bank nt branches? If so, is it on his own account, or for the in- ank?

art of the increase of capital stock, of which inquiries were y E, question No. 7, predicated upon property mortgaged? nount is so predicated?

No. 10.

ST. JOSEPH, *April 18, 1840.*

rsuance of a certain resolution of the Senate of the United py herewith), the undersigned commissioners, appointed in said resolution by the Governor of the Territory of Florida, you will, with as little delay as possible, furnish a general he affairs and condition of the agency of the Southern Life l Trust Company at this place.

Respectfully,

E. R. GIBSON, *Chairman,*
G. J. FLOYD,
HIRAM MANLY.

n, *Agent of South. Life*
Ins. and Trust Co., St. Joseph.

No. 11.

ST. JOSEPH, *April 18, 1840.*

letter of last evening, declining to furnish a list of bills, as just been laid before the commissioners. We had no rea- that any obligation to comply with our request could arise ion, on your part, that so to do would be inconsistent with or commercial honor," as expressed in your letter.

We could not well expect anything of the kind when we called to mind that you had a precedent in the Pensacola Bank, which, to a similar commission, furnished a similar list without the slightest objection; still I reason had we to expect such objections on your part when we all know that, in the most commercial State of the Union (New York), with whose laws and practices, in relation to banking, you must be so well acquainted, inquiries still more particular can be made at any time without one supposing that such inquiries involve a violation of "good faith and commercial honor;" and least of all, when we find the act of the Legislative Council, prescribing the rules and regulations under which the company exercises all its functions, actually provides for making "a full and thorough investigation into the affairs and management of the company and in relation to the ability and integrity with which its affairs are managed; the *prudence* and *safety of the investments*; the security afforded those by whom its engagements are held; to inspect the books and minutes of proceedings of the board of trustees, to ascertain the amount of deposits, &c., and all other affairs of the same."

These comprehensive terms certainly provide for a more searching examination into the state of the company than is involved in the call for a list of the bills and notes.

The stockholders, in subscribing for stock, did it the more willingly from relying on the protection afforded to their interests by the examination contemplated in the extract made above; and the drawers, &c., of the bills and notes, knowing all along that the affairs of the company were subject to such examination, can surely have no just ground of complaint that, in furnishing the list required, the company would violate either "good faith or commercial honor."

The objection is based on the nature of the inquiry made; and in a similar inquiry, and others of a still more searching nature, are unquestionably provided for in the act of the council referred to, it does not seem to us that it would be less a violation of "good faith and commercial honor" to furnish the list called for than, once having accepted the conditions which the company was authorized to act, then to refuse a compliance with those conditions on the ground assumed.

As to whether the information sought is "necessary to enable the constituted authorities of the Territory to respond to the resolution of the United States Senate," or whether such inquiry was or was not contemplated by these resolutions, we must exercise our own judgment. The resolution of the Senate requires information relative to the condition of the various banks, &c. That condition can be perfectly and completely ascertained only by inquiry, instituted under the spirit of the provision for the examination of the affairs of the company, contained in the 15th and 17th sections of the act of the Legislative Council.

When we find such ample provision made in the act for the most searching scrutiny into the affairs of the company, we must report a refusal to furnish a list of "bills and notes" belonging to the company. None can doubt that *some* knowledge relative to *them* is indispensable to the forming of an accurate opinion of the *condition* of any banking institution.

I have the honor to be your very obedient,

E. R. GIBSON,
Chairman of Council

G. FIELD, Esq., Pres't of South. Life
Ins. and Trust Co., Appalachicola.

A.

SOUTHERN LIFE INSURANCE AND TRUST COMPANY,
Appalachicola Branch, April 11, 1840.

Sir: I have received your note of this date, with copy of resolution of the United States Senate, and letter of the Secretary of State of the United States transmitting the same to the Governor of Florida.

My illness, added to the necessity of exerting the little strength I have in dictating some pressing letters for to-day's (Saturday's) mail, will not admit of devoting much attention this afternoon to the subject of your communication.

That my efforts to further what seems to me the only legitimate and proper object of the resolution may not be misdirected, I desire you, if convenient, to furnish me with list of the items of information you seek.

I am, sir, very respectfully, your obedient servant,

GEO. FIELD,

President S. L. Ins. and Trust Co.

E. R. GIBSON, Esq., *Chairman of
 Investigating Committee, &c.*

B.

SOUTHERN LIFE INSURANCE AND TRUST COMPANY,
Appalachicola Branch, Monday, April 13, 1840.

Sir: I duly received your favor of Saturday evening, with sundry interrogatories. Answers to those under the head of query A I have prepared, and herewith send them. The circumstances of the case, you will perceive, neither require nor admitted of answers to each of the nineteen interrogatories. I am proceeding with answers to questions under query B and C.

Your obedient servant,

GEO. FIELD,

President S. L. Ins. and Trust Co.

E. R. GIBSON, Esq.,
Chairman, &c.

C.

Answers to interrogatories under query A.

SOUTHERN LIFE INSURANCE AND TRUST COMPANY,
Appalachicola Branch, April 13, 1840.

The Southern Life Insurance and Trust Company, as authorized by its charter, issued, during the year 1839, 400 certificates of £225 sterling (of \$1,000) each, payable in London 26 years after date (these certificates were endorsed by R. K. Call, Esq., Governor of Florida); 274 about the 30th of August last, and 126 on or about the times which it is pre-

sumed the certificates bear date. Prior to the endorsement by or, mortgages to the amount of \$400,000, belonging to the taken as security for loans, were placed in the Executive office tory, as contemplated by the charter. These mortgages a instance, the first lien upon real estate and negroes (gener mer); which property, so covered by the mortgages, was, in ev judged, by competent persons on oath, to be worth in cash at the amount of the loan.

None of the above certificates have as yet been sold, so known to the undersigned; though a partial contract, which would result in their sale, was made early last season. One fifty of the certificates are in London, and the residue in New our agent Lot Clark, Esq. No specific instructions as to the have been given; nor has any agent been specially commissi pnrpose, other than the officers of the company. The und no definite idea as to the present value of these certificates in c Europe or this country; the value of such securities is, as it be, regulated by the confidence of capitalists in the solven faith of the parties responsible upon them. A copy of one o cates is hereto attached; the undersigned cannot give a fac has none at hand.

GEORGE FIELD,

“Certificate for one thousand dollars, or two hundred and pounds sterling, under the guarantee of the Government with a permanent and accumulating sinking-fund for its re

“This is to certify, that the Southern Life Insurance and pany have received one thousand dollars, and that they promi London, at the banking-house of Messrs. , to the l certificate, two hundred and twenty-five pounds sterling, at tl of twenty-six years from this date (the said certificate not previously redeemed) with interest on the said sum at the ra cent. per annum, that is to say £5 12s. 6d. on the first c £5 12s. 6d. on the first of October of each year, on present livery of the proper coupon hereunto annexed, and the Gover ida, by a declaration on the present certificate, will pledge the Government for its due payment, according to an act of the passed the 14th February, 1835.

“Now, be it known, that the Southern Life Insurance and pany have invested four hundred thousand dollars of their cap and mortgages, bearing interest at the rate of eight per cent. the said mortgages being on property at least double the val vances made thereon, respectively, by the said company; pany have pledged the said bonds and mortgages to the Gk security for their guarantee of the company's certificate (of cification is annexed) amounting to four hundred thousan ninety thousand pounds sterling.

“The bonds and mortgages before mentioned, amounting dted thousand dollars, specially pledged to the Governmen for the security of the present loan, will be exchanged from: as the same are collected, and as the money received is rained

o law, in similar securities; and the Southern Life Insurance and
 t Company of Florida, do hereby engage to remit to Messrs.
 , the agents of the loan in London, the whole of the yearly interest
 shall, from time to time, become due, at the rate of eight per cent. per
 m, on the said bonds and mortgages, such remittances to be applied,
 e first instance, to the payment of the interest on the present and
 r certificates (of which a specification is annexed), and the residue
 permanent and accumulating sinking fund for the redemption of the
 a. The dividends on the sterling certificates redeemed, as well as
 abovementioned annual appropriation from the interest of the said
 ds and mortgages, to be applied, each year, to the purchase of certifi-
 s in open market, when the price is at or under par: when the price
 he said certificates is above par, then the agents of the loan in Lon-
 are to render to the holders thereof the amount, at the rate of one
 red pounds sterling stock (money for one hundred pounds sterling
), and it shall be obligatory upon the holders of the lowest numbers
 e certificates in circulation, beginning at number one, to receive pay-
 s thereof at the same rate; public announcement of such tender
 ig been made in one or more of the daily London newspapers, and
 ent of such certificates not having been claimed, the interest thereon,
 quently accruing, will not be considered due, and payment of the
 will cease; and the capital of such certificate, and the interest which
 have accrued thereon, previous to the public tender of payment
 mentioned, shall be invested by the agents of the loan in exchange
 to be handed over to the holders of the said certificates; when the
 are delivered up for payment, and when the coupons, for interest not
 re returned to the said agents, as the said sterling certificates are
 ured, the same are to be cancelled and deposited in the Bank of
 nd. If any of them shall remain in circulation at the expiration of
 y-six years from this date, as before stated, the same will be paid off
 on presentation to the agency of the loan in London.

payment shall not be claimed after public announcement as afore-
 he amount is to be invested in exchange bills, and the said bills are
 eposited in the Bank of England, or otherwise, according to law,
 benefit of the holders of such unclaimed sterling certificates, so as
 re the company from all legal responsibility, either in respect to
 ernment of Florida, or the holders of the said sterling certificates,
 remove all lien on the bonds and mortgages before mentioned, on
 t of the said loan or certificates.

ness the seal of the Southern Life Insurance & Trust Company,
 signatures of the president and secretary thereof.

ie at St. Augustine, this day of August, A. D. 1839.

“ Secretary.

“ President.

ification No. 1 to 400 (four hundred certificates of one thousand
 r two hundred and twenty-five pounds sterling each), issued by
 hem Life Insurance and Trust Company, and guaranteed by the
 ent of Florida.”

D.

SOUTHERN LIFE INS. AND TRUST CO.,

Branch at Appalachicola, April 13, 1841.

SIR: I have now the pleasure to enclose you answers to interrogatory headed queries B and C.

I am your obedient servant,

GEORGE FIELD, *President.*

E. R. GIBSON, Esq., *Chairman, &c.*

E.

Answers to the interrogatories under queries B and C.

The commissioners to receive subscriptions to the original stock, Lot Clark, Robert Raymond Reid, and Thomas Douglass. None of books connected with the original subscription to stock of this company or transfers of the same, have ever been kept, except at the St. Augustine office, and at the Phenix Bank, New York, where the stock held by northern stockholders is transferable, and where, also, this class have received their dividends. The undersigned cannot, therefore, arrive at a list of the original subscribers, or of those who have subsequently become stockholders. He has but lately been chosen president of the company, and although he has held the office of cashier of the company since its first organization in November, 1835, he has not, since that period, found it practicable to visit St. Augustine. The business of the company has been managed by a majority of the board of trustees resident at St. Augustine. The first president, Lot Clark, Esq., his successor, Doctor Andrew Anderson, and assistant cashiers Reed and Lee; but the undersigned has no means at hand of giving, in detail, answers to the first four interrogatories under query B; this information can only be obtained at St. Augustine. It is believed the first directors were Lot Clark, Thomas Douglass, S. S. Peck, Charles Downing, Andrew Anderson, Robert Raymond Reid, Jos. D. Beers, Walter Bowne, and John Delafield. Subsequently, A. M. Reed, Lot Clark, Thomas Douglass, J. L. Smith, S. S. Peck, Andrew Anderson, George Field, P. S. Smith, D. L. Clinch, and another not recollected, were chosen directors.

The present president and directors are Thomas Douglass, A. M. Reed, J. L. Smith, Peter S. Smith, George Field, Turbot R. Billon, W. Branch, William Fisher, Robert Lyon, and Samuel Reed.

In December, 1836, the branch at Appalachicola was established, under the charge of the undersigned; and shortly thereafter an office of the company was opened at St. Joseph, under the charge of Mr. C. S. Raymond, who was succeeded in the superintendence by Mr. James Ruan. In the spring of 1839, another branch was established at Jacksonville, in East Florida, under charge of A. M. Reed; and about the 1st of January, 1840, still another was opened at Tallahassee, under charge of Mr. John Williams, the present cashier of the company.

The amount of profits received from whatever source, or of expenses incurred by the various offices of their company, it is not practicable here

but the following is a list of the transfers of profits from the Appalachee office to the parent-office at St. Augustine:

ended in March, 1838, profits of previous year	-	\$22,731 79
ended in June, 1838	-	20,835 24
ended in January, 1839	-	20,000 00
ended in June, 1839	-	20,000 00

The undersigned has had exclusive charge of the office at Appalachee having been no director chosen here, nor were there any stockholders in this part of the Territory, until recently, except the undersigned. The following is a list of the stockholders resident in that part of Florida, reported to the committee of the council by the Tallahassee office:

Brooke, & Co, own stock to the amount of	-	\$12,000
Burchill owns stock to the amount of	-	7,000
Ellis owns stock to the amount of	-	6,500
Samuel Simpson owns stock to the amount of	-	6,000
McCrie owns stock to the amount of	-	13,500
Malindi owns stock to the amount of	-	3,500
Porter owns stock to the amount of	-	6,500
Land and Rainey own stock to the amount of	-	6,500
Field owns stock to the amount of	-	18,800

The above, except the undersigned, were original stockholders; we have more recently become so.

The company commenced its operations in November, 1835, at St. Augustine; its capital at that time, paid in, in specie or its equivalent, was one hundred thousand dollars; in August, September, and November, one hundred and thirty thousand dollars more was in, in specie or its equivalent, principally paid into banks in New York at the credit of this company. The company continued to pay specie for its notes and obligations and kept its issues at par in New York and Charleston (though they were never made payable at these places on their plan) until after the suspension of the general suspension in May, 1837. In June, 1837, the bank suspended specie payment, and did not again resume payment of its notes until the fall of 1838, and about simultaneously with the banks in New York and Savannah; but, during the period of suspension, the exchange on New York for its notes at about the same rates as could be obtained in Charleston and Savannah.

GEO. FIELD, *President of the*
S. L. Ins. and T. Co., Branch at Appalacheicola.

3, 1840.

At the close of the operations of the company for the first year, the profits have been 5 per cent. each January and July, until the last, when it was 4 per cent. The salary of the president of the company was, the undersigned believes, \$3,000 per annum for the first three years; but, it has been \$5,000 per annum. There have been no forfeitures of stock for non-payment, or to a trivial amount, if any.

GEORGE FIELD, *President.*

3, 1840.

F.

SOUTHERN LIFE INS. AND TRUST Co.,
Branch at Appalachicola, April 15, 1840

SIR: Enclosed please find answers to various interrogatories under head of query D, handed in by Mr. Brown.

Respectfully, your obedient servant,

GEORGE FIELD, Pres

E. R. GIBSON, Esq.,
Chairman, &c.

G.

Answers to questions under query D.

Amount of interest paid in 1836-'37	-	-	-	1
Amount of interest received in 1836-'37	-	-	-	5
Amount of interest paid in 1838	-	-	-	4
Amount of interest received in 1838	-	-	-	1
Amount of interest paid in 1839	-	-	-	1
Amount of interest received in 1839	-	-	-	1
Amount of interest paid in 1840, to date	-	-	-	1
Amount of interest received in 1840, to date	-	-	-	1
Amount of discount paid in 1836-'37	-	-	-	1
Amount of discount received in 1836-'37	-	-	-	2
Amount of discount paid in 1838	-	-	-	2
Amount of discount received in 1838	-	-	-	2
Amount of discount paid in 1839	-	-	-	2
Amount of discount received in 1839	-	-	-	2
Amount paid in 1840, to date	-	-	-	-
Amount received in 1840, to date	-	-	-	-

Explanations of above on the other side of this sheet. Receipts embrace some \$3,000 for rent on property placed as security debts due the company.

APRIL 14, 1840.

Continuation of answers to questions under query D.

Amount of exchange paid in 1836-'37	-	-	-	-
Amount of exchange received in 1836-'37	-	-	-	-
Amount of exchange paid in 1838	-	-	-	-
Amount of exchange received in 1838	-	-	-	-
Amount of exchange paid in 1839	-	-	-	-
Amount of exchange received in 1839	-	-	-	-
Amount of exchange paid in 1840, to date	-	-	-	-
Amount of exchange received in 1840, to date	-	-	-	-
Amount paid out of other profits in 1836-'37	-	-	-	-
Amount received as other profits in 1836-'37	-	-	-	-
Amount paid as above in 1838	-	-	-	-
Amount received as above in 1838	-	-	-	2

Amount paid as above in 1839	-	-	-	2,283 43
Amount received as above in 1839	-	-	-	8,514 74
Amount paid in as above in 1840, to date	-	-	-	2,893 43
Amount received as above in 1840, to date	-	-	-	2,811 76

The above and annexed accounts of receipts of profits and payments of losses, embrace, as near as can now be ascertained, the amounts paid and received by this office to date, and by the St. Joseph office down to a later period. The foregoing items embrace the amount of premium received in exchange sold; interest on short loans, or paper taken up after maturity; damages on protested bills returned; and sterling exchange of 6 to 9 per cent. on loans made in England, now about to be provided for; but the exchange and interest on the final closing of the account will become a charge upon our profits. The St. Joseph office keeps no account with the parent-office at St. Augustine; hence, the profits of that office are merged in those of this, at occasional periods. The capital of this office and the St. Joseph office, has been the balance due from this to the St. Augustine office (which has been from \$400,000 to \$600,000) and such sums as this office has borrowed in 1837, 1838, and 1839, in New York and in England. The amount yet to become exchange, or our profits paid for exchange to be paid, and interest, cannot now be accurately ascertained. The amount paid for expenses, salaries, &c., in 1836 and 1837, was \$9,523 33; aggregate of the amount for 1838 and 1839, \$16,834 33; to date, 1840, \$1,231 97. The above includes amount paid for salary of principal cashier (now president), two clerks at Appalachicola, and one at St. Joseph, rent in both places, taxes, travelling expenses, stationery, &c.

Answers to Nos. 4 and 5.—The Southern Life Insurance and Trust Company holds the mortgage of the several stockholders whose names have been given as resident here, except George Field, who paid cash for his stock. The condition of the subscription in the case above stated, where mortgage of the parties are held, and that the stockholder might, if he chose, borrow three fifths the amount from the company on pledge of the stock, or three-tenths the appraised value in cash of the property mortgaged; and this is the condition too in some other cases of new subscribers. We have issued no stock except for cash, or what was deemed as good. W. G. Porter was commissioned by the Governor to value securities, pledged with the execution in Franklin county; the bank has acted, however, upon its own judgment or that of its officers rather, as to the value of security when making loans. The bank has an agency in New York for the purpose of collecting its bills, paying the checks from the officers, and generally attending to our interest there. It was established in the spring of 1839, and Lot Clark, Esq., is the agent.

GEORGE FIELD, *President.*

APRIL 15, 1840.

H.

SOUTHERN LIFE INS. AND TRUST CO.,
Branch at Appalachicola, April 15, 1840.

DEAR SIR: I enclose answers to the balance of questions propounded under "queries D and E;" the statement will be completed in the morning.

Your obedient servant,

GEORGE FIELD, *President.*

E. R. GIBSON, Esq., *Chairman, &c.*

I.

Answer to queries D and E.—This office redeems with specie notes of the company made payable here. There are in circulation from four to five thousand dollars, as near as can be ascertained specially inquiring at the other offices. This office has been in New York since the 1st of January, 1840, at rates averaging 10 per cent. for our own notes to the amount of about one hundred and five thousand dollars; say \$155,000. When drawing for the office have charged a higher rate. The amount of exchange here falls very much short of that sum. This office at present time continued to receive the notes of the Union Bank for payment of all due to it which are payable in Florida; we charge a uniform rate of premium for checks on the north for Union Bank, neither as to time, not having drawn regularly, and have given terms by our own conscience and the claims of the applicant for consideration. Nearly all local transactions for the past year have been made in the notes of the Union Bank, both paying and receiving on particular conditions have been made as to repayment of disbursements and loans. We have been discounting of local paper *very little*. We have no arrangements with the Union Bank or its branches for receiving the notes of that institution; nor have we ever had any increase of capital in three hundred and odd thousand dollars increase of capital in any way was paid in such funds and manner as were satisfactory to me. I cannot now designate. The rates at which we have drawn on New York for our own notes this winter have been usually two per cent. and generally from thirty to ninety days.

GEORGE FIELD,

APRIL 15, 1840.

J.

SOUTHERN LIFE INS. AND TRUST CO.
Branch at Appalachicola, April 15, 1840.

SIR: As requested, I enclose a statement of the condition of the company made up to the 14th instant;

And am, very respectfully, your obedient servant,
GEO. FIELD,

E. R. GIBSON, Esq., *Chairman, &c.*

Suspended debt	-	-	-	2,908 97	Due to Southern Life Ins. and Trust Co.	-	647,690 09
Real estate	-	-	-	13,063 00	Due to trustee Appalachicola Land Co.	-	9,060 85
Mortgages	-	-	-	21,198 35	Due to New York agency for time-drafts	-	61,715 78
Notes and bills discounted	-	-	-	439,292 47	Due-bills payable in 1840	-	154,370 04
Appropriation and advances on cotton applicable to bills payable	-	-	-	168,339 45	Due for other time-drafts on New York	-	10,100 00
Protest account	-	-	-	31 50	Due individual depositors (of which from \$5,000 to \$10,000 is applicable to discounted notes past due)	-	43,922 24
Temporary over-drafts of ten individuals	-	-	-	6,594 26	Due cir. dep. payable in Florida funds	-	34,838 34
Contingent expenses	-	-	-	3,102 40	PROFIT ITEM.		
Cash S. Life Ins. and Trust Co.'s notes	-	-	\$222,569 00		Discount account	-	6,884 01
Notes of other solvent banks	-	-	41,596 00		Interest account	-	5,848 02
Items considered as, and equal to cash, checks, &c.	-	-	13,980 52		Exchange account	-	6,533 34
Specie	-	-	1,690 55		Profit and loss account	-	7,048 10
				279,836 07			
				1,029,626 07			1,029,626 07

ALEX. CROOK, Bookkeeper.

L.

SOUTHERN LIFE INS. AND TRUST Co.,
Branch at Appalachicola, April 17,

SIR: I enclose answers, hastily sketched, to the queries under which I am preparing letters for New York previous to my departure for S. this afternoon. I have not been very formal in reply to your request to send you the names of the drawers and accepters, promisers and endorsers, on the "notes and bills discounted," with the dates and timing to maturity. I state that, for obvious reasons, I must respectfully decline a compliance. I may add, that every dollar of the (\$439,282) is justly due for money loaned either upon notes, or exchange purchased, and not one dollar of the amount is due to any officer, clerk, director, or trustee of the bank, or upon any paper to the benefit of any one of them; nor, in my humble judgment, good faith and commercial honor would justify a disclosure of the names and respective indebtedness of one dollar, or their respective liabilities. Can it be necessary to furnish them, in order for the constituted authorities of Florida to respond to the resolution of the Senate of the United States. The Senate themselves could not have contemplated such an inquiry, according to my reading of the resolution; and I trust the committee will, on reflection, concur with me in the propriety of the action to which, from the short reflection I have been able to give to the subject, I have arrived.

Your obedient servant,

GEO. FIELD, President

E. R. GIBSON, Esq., *Chairman, &c.*

M.

Answer to query E.

1. This office has advanced money to various individuals, taking cotton as security, which operation gives us the exchange at North; but we have allowed the sterling exchange to the shipper when cotton was shipped abroad, charging interest on the advance.

2, 3, and 4. The bank has claims upon several individuals for advances, arranged by notes. The largest of those deemed doubtful originally, are now well secured. We do not anticipate loss upon any of them.

5. The bank has had orders for cotton sent to it from parties which it has caused to be executed through agents here, at various times, and when bills of lading could be obtained, the bank has drawn on the parties for the cost and commission paid. These orders would probably have come to the bank, but it has secured to the bank the exchange, hence they have been sought for; and further, they have come from parties who would not have sent orders if they had to accept drafts on receiving bills of lading; and individuals cannot ordinarily wait for money, and wait till they can get bills of lading.

not aware that this office has redeemed any of the notes of this
; a discount whenever payable, unless charging a moderate
r draft be so; but such as are payable here have been regularly
with specie since resumption in 1838, prior to which none were
payable here. It is quite probable that we have occasionally
small premium on specie given in exchange for notes not re-
ere; but the amount is altogether so trifling, it amounts to
We have paid, and that recently, ten per cent. (and expense)
us for specie to aid our neighbors in paying postage bills, cus-
bonds, &c., and often given it out at par for even other bank-
accommodate our dealers.

office has had no spare funds with which to purchase southern
n New York or elsewhere for many months. Some of our
were taken up in New York last fall with drafts, for which
all premium was charged; the certificate being payable here
funds, and the drafts calling for specie in New York. We
to purchase of southern funds in New York, and find it diffi-
enough of northern funds for our dealers.

No. 8.

QUERY F.

ot the means of answering. We hold no mortgages, to my
, but what are good, and for which we had paid a full equiv-
ferring to the purchase of our notes at a discount since reply-
inquiry, I have from one of the clerks, that not long since, a
office, not acquainted with our system of business, purchased
, at the offer of another party, a three-dollar mutilated note,
St. Augustine, for two dollars and fifty cents. This circum-
never known to me till to-day, nor would it have been done
action, though the note may have been so badly torn as to
ed the office altogether from liability. Still it will be remem-
his office has never been, or been considered, a specie-paying
pt for notes payable here.

N.

SOUTHERN LIFE INSURANCE AND TRUST Co.,
BRANCH, ST. JOSÉPH, *April 21, 1840.*

nexed please find a general statement of the condition of this
the 14th instant, called for in your communication of the 18th

and leaving for Appalachicola to-day, you will please address
as convenient for any further information you may want with
the condition of this office.

Your obedient servant,

JAMES RUAN, *Agent.*

ESON, Esq., *Chairman,*
J. FLOYD,
Y.

Statement of the Southern Life Insurance and Trust Company, Branch at St Joseph, April 14, 1840.

Notes and bills discounted	-	\$59,563 52	• Due Appalachicola branch	-	\$65,825 15
Personal property	-	302 80	Due Branch Bank, Pensacola	-	188 00
Contingent expenses	-	2,175 30	Due certificate deposite	-	1,520 78
Temporary overdrafts of eleven individuals	-	1,244 44	Due individual deposite	-	5,158 25
Cash—			Profit item thus—		
Southern Life Insurance			Interest account	-	138 34
and Trust Co. notes	\$7,136 00		Exchange account	-	84 12
Other solvent bank notes	6,857 00		Profit and loss account	-	737 38
Items equal to cash	3,026 00		Discount account	-	5,668 31
Specie change	15 27				
		16,034 27			
		79,320 33			79,320 33

* About \$4,000 have been charged the Appalachicola branch subsequently to their statement to you, and a discrepance of about this amount will appear in comparing the statements.

JAMES RUAN, Agent.

*stockholders of the Southern Life Insurance and Trust Company
on the books of the New York Agency, January 1, 1840.*

Names.	Amounts paid.		
	\$25	\$45	\$100
mon, S. W.			45
, G.			68
mon, G. C.			113
E. D., jr.	40		
, D.			13
Abner	50		20
ct & Lewis			10
, Walter			187
, S. J.			10
R., Trustee			63
J. D.			25
by, Levi			13
J. D., North Am. Trust & Banking Co.			100
m & Lake	50		
g & Co.			6
ly, C. M.			15
ms, Livingston, Prime, & Coster		50	
, Charles			10
g, Erastus			170
H.			25
erlain, N.			6
Lot			37
Lot, President New York Agency			624
, S. Newton			50
ine, Maurice			20
Geo. R.			25
, John I.			120
ld, John			50
& Alestyne			417
George			188
s' Loan and Trust Company			208
George C.			50
Duff			73
d, J. L. & N. L.			30
aniel			19
. P.			20
Bank			13
William			5
, Samuel			49
ry, Peter, & Co.			107
Geo. W.			47
Robert			30

LIST OF STOCKHOLDERS—Continued.

Names.	Amounts paid.		
	\$25	\$45	\$
Harmony, Peter - - - - -	50		
Howell, Harriet - - - - -			
Henriques, Joseph - - - - -			
Jackson, Daniel - - - - -			
Ingersoll, R. J. - - - - -			
Jermain, S. P. - - - - -			
Jones, D. S. - - - - -			
Johnson, J. D. - - - - -			
Jewett, S. B. - - - - -			
Known, J. & B. - - - - -			
Kenney, F. S. - - - - -			
Kellog, J. D., A. Comstock, & G. F. Lutch, ex'r of D. Kellog - - - - -			
Little, John S. - - - - -			
Lutch, Geo. F. - - - - -			
Livermore, J. - - - - -			
Lyon, J. - - - - -	50		
Levy, Moses E., for the use of Schawvelian			
Levy, Moses E., for the use of Josh. de Levante			
Lester, Ralph - - - - -			
Marcy, W. L. - - - - -			
Mead, Edward - - - - -			
Mills, F. C. - - - - -			
Marvin, E. C. - - - - -			
Mead, S. - - - - -			
Nevins, P. J., & Son - - - - -			
New York Life Insurance and Trust Company			
Patchen, Thaddeus W. - - - - -			
Peck, John - - - - -			
Pepoon, F. H. - - - - -			
Patchen, Aaron D. - - - - -	25		
Prince, Charles - - - - -			
Parshall, Charles - - - - -			
Phalen & Farles - - - - -			
Robinson, M., Agent - - - - -			
Reed, Daniel - - - - -			
Redfield, R. W., Cashier - - - - -			
Rawdon, Groesbech, & Co. - - - - -			
Satterlee, J. R., President - - - - -			
Stebbins, Charles - - - - -			
Shaw, G., & J. D. Beerson, Trustees - - - - -			
Shute, Sam. - - - - -			
Slay, L. W. - - - - -			

LIST OF STOCKHOLDERS—Continued.

Names.	Amounts paid.		
	\$25	\$45	\$100
Henry - - - - -	50		8
H. - - - - -			8
L. M. - - - - -			12
N., Assistant Secretary - - - - -			13
R. T. - - - - -			
W. M. - - - - -			13
, John - - - - -			13
Henry - - - - -			25
S. - - - - -			5
- - - - -			25
m. - - - - -			8
L. C. - - - - -			80
, F. W. Edmonds, & J. Rankin, Com. - - - - -			130
n E. - - - - -			117
- - - - -			38
	315	50	4,769

shares upon which \$25 per share have been paid	-	315
shares upon which \$45 per share have been paid	-	50
shares upon which \$100 per share have been paid	-	4,769
Whole number of shares		- 5,134

TALLAHASSEE BRANCH,
Southern Life Insurance and Trust Company, Feb. 29, 1840.

reewith, I transmit answers to interrogatories received from you
ig, accompanied by a list of the stockholders, to whom stock
sued by this branch. I regret that I have not a full list of the
s. Anticipating your present requisition, I wrote to St. Augus-
, New York, some time since, for the necessary information,
nt time has not elapsed for it to reach me.

I remain, very respectfully, your obedient servant,
J. WILLIAMS, *Cashier.*

ACKBURN, Esq.,
Chairman, &c., Tallahassee.

Interrogatories, from E. E. Blackburn, Chairman of the Committee on Banks, received February 29, 1840, and replies thereto, predicated the condition of the Tallahassee branch of the Southern Life Insurance and Trust Company, February 28, 1840.

1st. Names of stockholders of the bank, residence and number of shares owned by each?

See schedule transmitted herewith (page 211).

2d. Amount of loans on bonds and notes held at this office?

Loans on territorial bonds	-	-	-	-	\$25,000
Loans on hypothecation of stock	-	-	-	-	59,200
Loans on promissory notes	-	-	-	-	27,700
Loans on bills of exchange	-	-	-	-	4,500

Loans on mortgages, specifying mortgage?

One mortgage of wardens and vestry of St. John's church Tallahassee, on parsonage-house and lot, - - - - - 2,400

3d. Amount of bonds received, having the Governor's endorsement, and when received, when and where payable, and how disposed of?

The amount of certificates of this company, which have been endorsed by the Governor, is \$400,000, as was stated in the report of the president to the Governor, on the 21st ultimo, and I am in possession of no other information than is contained therein. I would state, however, that the mortgages lodged as security for the certificates last endorsed, amount of \$126,000, were in my possession several weeks before they were known to me, having been brought here in a trunk that contained the books of the company, but of which I was not aware, until I had written to the Governor, Augustine, and received advices to that effect. This will account for the certificates being endorsed no earlier than the 20th of December, or nearly six weeks after my arrival here.

To the better understanding of the nature of these certificates, I will now answer in the fullest manner the questions in relation to them, I enclose a copy of one. It is as follows, to wit:

"Certificate for one thousand dollars, or two hundred and twenty-five pounds sterling, under the guarantee of the Government of Florida, and to be paid out of the permanent and accumulating sinking-fund for its redemption.

"This is to certify, that the Southern Life Insurance and Trust Company have received one thousand dollars, and that they promise to pay, at London, at the banking-house of Messrs. ———, to the holder of this certificate, two hundred and twenty-five pounds sterling, at the expiration of twenty-six years from this date (the said certificate not having been previously redeemed), with interest on the said sum at the rate of five per cent. per annum, that is to say: £5 12s. 6d. on the 1st of April, and £5 12s. 6d. on the 1st of October, of each year, on presentation and delivery of the proper coupon hereunto annexed. And the Governor of Florida, by a declaration on the present certificate, will pledge the faith of the Government for its due payment, according to an act of the Legislature passed the 14th of February, 1835.

"Now be it known, that the Southern Life Insurance and Trust Company, have invested \$400,000 of their capital in bonds and mortgages bearing interest at the rate of eight per cent. per annum; the said mortgages being on property at least double the value of the advances

tion, respectively, by the said company. And the company have pledged the said bonds and mortgages to the Government as security for the guarantee of the company's certificates (of which a specification is annexed), amounting to \$400,000, or £90,000 sterling.

The bonds and mortgages before mentioned, amounting to \$400,000, are hereby pledged to the Government of Florida, for the security of the pre-loan, will be exchanged from time to time, as the same are collected, as the money received is reinvested according to law, in similar securities.

And the Southern Life Insurance and Trust Company of Florida, do hereby engage to remit to Messrs. ———, the agents of the loan in London, the whole of the yearly interest that shall from time to time become due at the rate of eight per cent. per annum, on the said bonds and mortgages; such remittances to be applied in the first instance, to the payment of the interest on the present and other certificates (of which a specification is annexed), and the residue as a permanent and accumulating sinking fund, for the redemption of the same. The dividends on the sterling certificates redeemed, as well as the above mentioned annual appropriation of the interest of the said bonds and mortgages, to be applied each year to the purchase of certificates in open market, when the price is at or under par: when the price of the said certificates is above par, then the agents of the loan in London, are to render to the holders thereof the same at the rate of one hundred pounds sterling money for one hundred pounds sterling stock. And it shall be obligatory upon the holders of the lowest numbers of the certificates in circulation, beginning at number ———, to receive payment thereof at the same rate; public announcement of such tender having been made in one or more of the daily London newspapers, and payment of such certificates not having been claimed, the interest thereon subsequently accruing will not be considered due, and payment of the same will cease; and the capital of such certificate, and the interest which may have accrued thereon, previous to the public announcement of payment above mentioned, shall be invested by the agents of the loan in exchange bills, to be handed over to the holders of the said certificates, when the same are delivered up for payment, and when the coupons for interest not due are returned to the said agents. As the said sterling certificates are reimbursed, the same are to be cancelled and deposited in the Bank of England. If any of them shall remain in circulation at the expiration of twenty-six years from this date, as before stated, the same will be paid off at par, on presentation to the agency of the loan in London.

If payment shall not be claimed after public announcement, as afore-said, the amount is to be invested in exchange bills, and the said bills are to be deposited in the Bank of England, or otherwise according to law, to the benefit of the holders of such unclaimed sterling certificates, so as to relieve the company from all legal responsibility, either in respect to the Government of Florida, or the holders of the said sterling certificates, and to remove all lien on the bonds and mortgages before mentioned, on account of the said loan or certificates.

Witness, the seal of the Southern Life Insurance and Trust Company, and the signature of the president and secretary thereof. Done at St. Augustine, this ——— day of August, A. D. 1839.

“ ———, *President.*

———, *Secretary.*

"Specification No. 1 to 400, certificates of \$1,000 or \$225 each, issued by the Southern Life Insurance and Trust Company, and guaranteed by the Government of Florida."

4th. Amount of bills of your bank on hand? - - \$175,058 00

Amount of bills of your bank in circulation?

None of this office, and the circulation of the company can only be ascertained by knowing the issues of each office on a given day.

Amount of drafts, bills of exchange, or post-notes, running to maturity when payable, and where?

Amount of bills of exchange drawn at from sixty days to four months - - - - - \$6,187

Amount of bills of exchange drawn at six months - - - - - 53,541

All dated subsequently to January 12, 1840, and payable in New York \$5,000 of this amount was drawn for account of the Territory of Florida.

5th. Names of officers and directors of this agency?

The trustees of this company resident here, are Turbett R. B. Robert Lyon, Lewis Henry Branch, Samuel Reid, and William F. chosen on the part of the stockholders; and Leslie A. Thompson, William Wilson, trustees, chosen by the Governor on the part of the Territory.

John Williams, cashier, and Andrew G. Hammond, clerk.

6th. Amount due the parent-bank and offices? - - \$224,625

Amount due to other banks, specifying the banks? Nothing.

7th. Amount due by other banks, specifying the banks?

Union Bank of Florida - - - - - \$90

Union Bank of New Orleans - - - - - 20

Amount due of other banks on hand, specifying the banks?

Union Bank bills - - - - - 19,000

Georgia Bank bills - - - - - 15

8th. Specie on hand, amount of gold and silver? - - 1,200

9th. Deposites due on time? None.

Deposites payable on demand? \$22,986 95, payable in Union Bank.

10th. Amount of discount, exchange, premium, and interest since the establishment of the agency at Tallahassee? - - \$8,000

11th. Amount of discount paper past due and unpaid? None.

12th. Amount of over-drafts of individuals?

None: unless payment to the two officers of this branch, on account of salaries now due, but not yet charged to expense account, may be considered.

J. WILLIAMS, Cashier

List of Stockholders.

Names.	Residence.	Shares.	Amount.
-	Leon county	86	\$8,600
n	Do.	100	10,000
her	Do.	78	7,800
l	Do.	60	6,000
ranch	Do.	60	6,000
mbry	Do.	150	15,000
llis	Gadsden county	34	3,400
wls	Do.	16	1,600
L. Lanier	Do.	100	10,000
Bradford	Leon county	100	10,000
rney	Do.	75	7,500
n	Do.	60	6,000
urley	Gadsden county	29	2,900
. Neal	Do.	45	4,500
ll	Do.	79	7,900
Condey	Do.	13	1,300
Mills	Do.	10	1,600
ls	Do.	10	4,600
bling	Leon county	14	1,400
lattox	Do.	60	6,000
McIver	Do.	51	5,100
ll	Do.	87	8,700
g	Do.	82	3,800
C. S. Hunter	Do.	75	7,500
West	Do.	100	15,000
Dennis	Do.	115	11,500
Tooke	Madison county	150	15,000
utton	Do.	15	1,500
trest	Do.	24	2,400
ffee	Do.	67	6,700
ver	Do.	35	3,500
Iext	Gadsden county	10	1,000
ans	Madison county	80	8,000
hehee	Jefferson county	100	10,000
ntyre	Madison county	36	3,600
oway	Do.	64	6,400
ngston	Do.	33	3,300
lerlin	Do.	20	2,000
Butler	Do.	10	1,000
ins	Do.	11	1,100
holders.		2,392	\$239,200

TALLAHASSEE BRANCH,

Southern Life Insurance and Trust Company, Feb. 29, 1840.

going list embraces all the stockholders' names, to whom stock have been issued from this office.

J. WILLIAMS, Cashier.

General statements of the resources and liabilities of the Southern Life Insurance and Trust Co., December 26, 30, 1837.

<p>Stocks owned by the company, worth at least Amounts due from other solvent banks Discounted bills, notes, mortgages, and loans of all kinds Personal property Expense account</p>	<p>\$5,000 00 127,922 21 702,736 69 5,170 36 15,649 46</p>	<p>Capital stock paid in Dividends unpaid Its notes in circulation Deposites in trust at interest Due to other banks Bills payable in January, February, March, and April</p>	<p>\$500,150 74 315 00 151,608 70 11,338 00 27,461 00</p>
<p>Cash, viz: Notes of other solvent banks and United States Treasury notes and drafts Specie</p>	<p> \$46,192 59 13,039 74</p>	<p>Deposites, partial payments on discount bills, part due Private deposite Profits, discount account Profits, interest account Profits, exchange account Profit and loss</p>	<p>99,442 84 17,292 53 48,067 09 60,035 78</p>
	<p>915,711 05</p>		<p>915,711 05</p>

· JANUARY 8, 1838,

GEORGE FIELD, Cashier,

Stocks owned, and various loans	91,191 74	Dividends unpaid	315 00
Loans on hypothecation, on demand	3,549 20	Office notes	\$576,500
Personal property	6,139 66	To Appalachicola office	\$401,311
Expense account		On hand	115,999
Due from Appalachicola office	\$555,627 41		517,310
Due for office notes	401,311 00		
Cash balance	154,316 41	Circulation	59,190 00
Loan on real estate and mortgage	105,800 74	Deposites in trust at interest	11,338 74
Loan on endorsed notes, to be secured by mortgage	15,544 12	Bills payable; drafts on time not due	14,493 06
Due from banks in Charleston & Savannah, on demand	20,654 48	Due to other banks	740 55
Due from other banks	845 23	Private deposits	29,739 14
Due from banks in New York, on demand	31,395 48	Profits, discount account	9,610 40
Notes and bills discounted	180,293 31	Profits, interest account	11,477 36
Cash: specie	\$10,775 72	Profit and loss	6,706 43
Notes of other solvent banks	1,382 00		
Government's drafts on receiver of public moneys	10,000 00		
Treasury notes and other cash items	6,872 59		
	29,030 31		
	643,760 68		

Statement of the condition of the *Appalachicola branch of the Southern Life Insurance and Trust Company, Dec. 30, 1837.*

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RESOURCES.		LIABILITIES.	
Amount due from New Orleans and Mobile banks - - -	\$6,784 92	Amount due Southern Life Insurance and Trust Company, thus:	
Amount due from sundry solvent banks in Florida, Georgia, and South Carolina -	68,242 10	For notes payable at St. Augustine - - -	\$401,311 00
Bills and notes discounted, running to maturity, all good - - -	223,414 33	Deduct amount on hand - - -	308,893 00
Bills and notes discounted and past due, but deemed perfectly good - - -	57,760 35	Indebtedness for notes in circulation -	\$92,418 00
Bills and notes discounted and past due, considered doubtful, but believed to be entirely safe for at least half - - -	21,033 75	Due Southern Life Insurance and Trust Company per cash balance - - -	154,316 41
Good mortgages - - -	7,698 35	Due to sundry banks - - -	26,720 52
Personal property, chests, books, office furniture, &c., &c. - - -	1,621 16	Due for bills payable in January, February, March, and April - - -	84,949 78
Expense account, including salaries, &c. -	9,509 80	Due per accounts of deposits issued -	2,000 00
Cash, viz:		Deposites as partial payments on protested bills discounted - - -	17,292 53
Notes of other solvent b'ks \$27,938 00		Individual deposits - - -	16,327 95
Specie - - -	2,264 02	Profit items—discount acc't \$22,347 08	
		interest acc't 248 01	
		exchange acc't 4,595 51	
		Profits and loss - - -	5,050 99
			32,241 59
	426,266 78		426,266 78

LEON COUNTY, ss.

Loans on corporation bonds	22,000	00	147,769	80
Loans on hypothecation of collateral	41,034	42	58,056	76
Loans on mortgage on real estate	226,766	16	44,161	34
Loans on notes to be secured by mortgage	6,230	73	28,749	38
Amount due from sundry banks	73,193	14	120,718	98
Personal property	5,394	73	40,818	08
Contingent expense account	5,878	25	102	50
Suspended debt	2,908	97		
Overdrafts temporary, to be paid by discounted bills	9,739	45	99,772	00
Cash thus noted of other good banks, and including items as stated in separate statements	133,839	74		
Specie	33,108	30	75,427	81
			52	58
	1,136,579	23	1,136,579	23

TALLAHASSEE, FLORIDA, January 21, 1839.

George Field, cashier of the Southern Life Insurance and Trust Company, being duly sworn, deposes and says that the within and annexed statements, as to the condition of the said company and its branches, are just and true to the best of his knowledge and belief.

GEO. FIELD, *Cashier,*

GEO. FIELD, Cashier,

Southern Life Ins. and Trust Co.

Sworn and subscribed before me, this 21st January, 1839.

THOMAS RANDALL, Judge Middle District, Florida.

Statements of the condition of the Appalachian and St. Joseph Branches of the Southern Life Insurance and Trust Company, January 5, 1839.

<p>To bills of exchange and notes discounted on personal security - -</p> <p>Loans secured on real estate - -</p> <p>Amount due from sundry banks - -</p> <p>Personal property - -</p> <p>Contingent expenses - -</p> <p>Suspended debt - -</p> <p>Temporary overdrafts by sundry individuals, to be paid by discounted bills</p> <p>Notes of other (Alabama, Georgia, Carolina, Northern, and Florida) banks, including \$18,986 22, notes of eight checks upon Commercial Bank, Florida, and items equal to cash - -</p> <p>Specie - -</p>	<p>\$454,063 55</p> <p>58,474 38</p> <p>46,611 59</p> <p>1,798 03</p> <p>3,315 44</p> <p>2,908 97</p> <p>9,739 45</p> <p>125,796 74</p> <p>2,531 10</p> <p>705,239 25</p>	<p>By amount due Southern Life Insurance and Trust Co. \$610,915 47</p> <p>Southern Trust Co. notes on hand - 305,506 00</p> <p>Balance due Southern Trust Co. -</p> <p>Bills payable during year 1839 -</p> <p>Drafts on time due in February, March, and April - -</p> <p>Deposites at interest - -</p> <p>Deposites on certificates - -</p> <p>General deposits payable on demand -</p> <p>Due to sundry banks - -</p> <p>Profit and loss - \$20,611 20</p> <p>Discount account - 5,033 16</p> <p>Exchange account - 858 17</p> <p>Interest account - 971 60</p> <p>Excess in cash - -</p>	<p>\$305,409 47</p> <p>147,769 80</p> <p>55,856 76</p> <p>29,252 55</p> <p>28,139 38</p> <p>72,970 78</p> <p>38,313 80</p> <p>27,474 13</p> <p>53 58</p> <p>705,239 25</p>
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EXECUTIVE DEPARTMENT,
Tallahassee, February 10, 1840.

*To the Honorable the House of Representatives of the Legislative Council
of Florida :*

I transmit to the Senate a letter from the president of the Southern Life Insurance and Trust Company, and statements accompanying the same.

R. R. REID.

SOUTHERN LIFE INSURANCE AND TRUST CO.,
Branch at Tallahassee, February 7, 1840.

SIR: Referring to the communications which I had the honor to present to your excellency on the 20th and 22d ultimo, I now enclose, herewith detailed statements of the condition of the several offices of this company on the 1st of January, in original, duplicate, and triplicate; also, a condensed statement of the same. I regret very much the delay which has occurred in transmitting these documents to your excellency; but it has been unavoidable, having arisen from detention and irregularity of the mails.

As stated in the report heretofore submitted, should any further explanations, regarding the business and situation of this company, be deemed requisite, we will cheerfully furnish them. It will be remembered, that by an amendment of our charter, made at the suggestion of the court of appeals, on the 10th January, 1838, the manner of our reporting, as fixed in the original law, was changed, so as to require us to report annually to the Governor of the Territory, instead of to the court of appeals, as originally provided.

I have the honor to be, most respectfully, your obedient servant,
GEORGE FIELD, *President.*

His Excellency ROBERT RAYMOND REID.

RESOURCES.		LIABILITIES.	
Stocks owned and worth cost	-	Capital stock	\$631,931 00
Personal property in four offices	-	Balance of bills payable in 1840, for money borrowed	111,956 09
Expense account in four offices	-	Due to sundry banks and branches other than branches of this company, for collections payable in Florida bank-notes	25,634 69
Notes, bonds, and bills of exchange discounted	-	Due on certificates, deposits, and to depositors, payable in current Florida notes	165,768 44
Loans on bonds and mortgages	-	Deposit to apply on discounted paper past due	16,758 17
Real estate, brick banking-house and lot, &c.	-	At credit of cash	340 00
Suspended debt	-	Deposites in trust on time, at 5 and 6 per cent. interest	93,339 18
Balances due from sundry banks, branches, &c., other than branches of this company	-	Due to other depositors	21,113 14
Loans on collateral security, payable on demand	-	Time-checks on the North	60,187 76
		Dividends unclaimed	687 50
Over-drafts.		Whole amount of notes this company issued	\$601,000
St. Augustine: Advance on claims on the Government, &c., secured	\$19,178 86	On hand at Appalachicola	\$498,387
Appalachicola: Over-drafts, advances on cotton, &c., all good	23,659 86	On hand at St. Joseph branch	8,657
St. Joseph: Over-drafts of nine individuals	283 17	On hand at Jacksonville branch	1,447
		On hand at St. Augustine office	49,976
Protest account	-		551,487
	-	Whole amount of notes of this company in circulation	49,513 00
Cash—thus:		Of the above, payable at St. Augustine	\$43,548
Bank-notes of other solvent Georgia, Carolina, and Florida banks	\$67,605 00	at Appalachicola	4,498
Sight checks, and drafts on other banks, cash items	2,496 93	Profit items.	
Specie	9,460 39	Interest account	\$13,338 84
Deficiency in cash	74 25	Discount account	7,941 27
		Exchange account	2,281 73
		Surplus fund	38,000 00
		Profit and loss	10,065 29
			71,618 13
			1,438,739 23

*Statement of the condition of the St. Augustine and Jacksonville offices of the Southern Life Insurance and Trust Company,
January 1, 1840.*

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RESOURCES.		LIABILITIES.	
Personal property, furniture, &c.	-	Capital stock	\$821,821 00
Bonds, bills, and notes, discounted	-	Due to sundry banks, branches, and agencies	9,847 88
Stocks owned and worth cost	-	Due to the New York agency of this company for checks upon it	64,192 70
Due from sundry other solvent banks, branches, and agencies (except \$489 90 from bank at Jacksonville)	-	Deposites in trust, on time, at interest at 5 and 6 per cent.	93,339 18
Loans on bonds and mortgages	-	At cashier's credit	340 00
(About \$400,000 of the above are hypothecated to the Executive of Florida for his endorsement upon our certificates.)	-	Individual deposite	21,113 14
Balance due from Appalachicola branch for cash and notes of this company	-	Dividends unpaid	687 50
Loans on collateral security payable on demand	-	Whole amount of notes of their company filled and issued	601,000 00
Over-drafts, advances on individual claims against the Federal Government pledged	-	Profit items.	
Expense account	-	Interest account	\$7,281 91
Cash.		Discount account	216 54
Notes of this bank on hand	\$44,443 00	Profit and loss	2,229 58
Charleston and Savannah bank-notes	6,222 00	Surplus fund	38,000 00
Sight-checks, and drafts on other banks, and cash items	2,496 02		
Specie	8,420 36		
			47,728 03

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RESOURCES.		LIABILITIES.	
Personal property	-	Due to Appalachicola branch (including for Southern Life Insurance and Trust Company's notes on hand)	\$69,072 83
Expense account	-	Due for certificates of deposit issued, payable in current Florida notes	5,173 64
Notes and bills of exchange discounted	-	Deposites, partial payments on discounted paper	4,500 00
Temporary over-drafts of nine individual accounts	-	Ordinary individual deposits, payable in current Florida notes	6,858 70
Cash on hand, thus:		Profit items—discount account	
Southern Life Insurance and Trust Company's notes	\$8,657 00	interest account	173 40
(Rec'd from Appalachicola office.)		exchange account	129 04
Notes of other solvent banks		profit and loss	772 14
and specie for change	13,442 90		
			6,363 07
			91,968 24

TERRITORY OF FLORIDA,
Office Southern Life Ins. & Trust Co., Tallahassee, February 7, 1840.

George Field, president, and John Williams, cashier, of the Southern Life Insurance and Trust Company, being duly sworn, depose and say: that the within and annexed statements of the condition of the St. Augustine, Jacksonville, Appalachicola, and St. Joseph offices, on the 1st of January ultimo; and, also, the consolidation of the said statements are just and true, according to the best of their knowledge and belief.

GEORGE FIELDS, President.
WILLIAMS. Cashier.

ST. JOSEPH, *April 21, 1840.*

Commissioners appointed by your excellency to examine the agency of the Bank of Florida at this place, transmit herewith a statement made up to the 1st of April instant, and have merely to add, item No. 2, "due from banks on account, including notes of railroad scrip," \$6,783, is in notes of the broken Commercial Bank; the balance is in scrip of the Lake Wimico and St. Joseph Railroad Company.

Commissioners understand that the agency at this place has done since it came under the charge of the present agent on the 1st of January last; and they also understand that the agency of the Bank of Florida at Appalachicola has been withdrawn.

E. R. GIBSON, *Chairman,*
GABRIEL J. FLOYD,
HIRAM MANLY.

Agency ROBERT RAYMOND REID,
Governor of Florida.

of the condition of the agency of the Union Bank at St. Joseph, on the 1st of April, 1840.

ASSETS.

1 bills discounted, including claims in suit	-	\$94,844	59
2 banks on account, including notes of banks			
3 ad scrip	-	12,954	25
4 count	-	\$111	00
5 account	-	114	01
6 account	-	1,097	64
			1,322 65
7 ls, viz: payable at St. Joseph agency	22,500	00	
8 payable at Tallahassee	37,501	50	
			60,001 50
-	-	-	421 75
			169,544 74

LIABILITIES.

Union Bank	-	138,539	98
banks on account	-	1,486	70
discount account	-	227	97
real estate for	-	288	93
deposit account	-	29,001	16
			169,544 74

FLEMING HIXON, *Agent.*

AGENCY OF THE UNION BANK OF FLORIDA,
St. Joseph, April 20, 1840.

GENTLEMEN: I am in the receipt of your communication of the 18th instant. Enclosed you are furnished with an annual statement of the condition of the St. Joseph agency of the Union Bank on the 1st April.

In reply to your first query, I answer that this agency has made no advances upon cotton since I took charge of it on the 25th of January.

And in answer to your second query, I state that I have not been officially informed that any individual who may have kept an account with this agency was an agent of the Union Bank for the purchase of cotton.

Respectfully, yours,

FLEMING HIXON, Agent.

Messrs. E. R. GIBSON,
G. J. FLOYD, and
H. MANLY, Commissioners, &c.

ST. JOSEPH, April 18, 1840.

SIR: The undersigned commissioners, appointed by the Honorable R. R. Reed, Governor of the Territory of Florida, in pursuance of a resolution of the Senate of the United States, accompanying this, request of you a general statement of the condition of the agency at this place, and in answer to the accompanying questions in the paper marked A.

Query A.

1st. Has the agency made any advances on cotton? if any, to what amount?

2d. Has the agency furnished funds to any agent of the Union Bank to purchase cotton? if any, to what amount?

We are your obedient servants,

E. R. GIBSON, Chairman,
G. J. FLOYD,
HIRAM MANLY.

FLEMING HIXON,
Agent of the Union Bank of Florida, St. Joseph.

ST. JOSEPH, April 21, 1840.

SIR: The commissioners appointed by your excellency to examine the condition of the Lake Wimico and St. Joseph Canal and Railroad Company, transmit herewith a letter from the president, *pro tem.*, of the company, denying the authority of the Executive to appoint such a commission, and declining to submit the affairs of the company to the proposed investigation.

EDWARD R. GIBSON,
Chairman,
GABRIEL J. FLOYD,
HIRAM MANLY.

His Exc'y ROBERT RAYMOND REID,
Governor of Florida.

OFFICE OF LAKE WIMICO AND ST. JOSEPH C. & R. R. Co.,
April 18, 1840.

GENTLEMEN: Your communication of this date, stating that you have appointed, by the Governor of Florida, commissioners to investigate condition of this company, has been received.

I am not aware of any provision in the charter of this company, or the laws of Florida, which invests the Governor with authority to institute a commission for the purposes indicated; nor can I perceive the public benefit or advantage likely to result from the examination proposed. I must, therefore, respectfully decline submitting the affairs of this company, in whole or in part, to the investigation of any commission constituted as yours is to be.

I would beg further to remark, that your communication will be laid before the directors so soon as a meeting can be had, and such further action made as they may direct.

Very respectfully, your obedient servant,

JAMES M. McKINNEY,
President, pro tem.

**MR. E. R. GIBSON,
 GABRIEL J. FLOYD,
 HIRAM MANLY.**

ST. JOSEPH, *April 18, 1840.*

The undersigned commissioners, appointed by the Honorable Robt. B. Reid, Governor of Florida, to investigate the condition of the Lake Wimico and St. Joseph Canal and Railroad Company, request that you will be pleased to indicate to us what course will be most agreeable to you in making said investigation—whether to furnish us a general statement of the condition, as to claims, liabilities, &c., or whether you prefer the committee to make such examination of your books and papers as to them may seem necessary.

Very respectfully, &c.,

**E. R. GIBSON, Chairman,
 GABRIEL J. FLOYD,
 HIRAM MANLY.**

J. M. McKINNEY, Esq.,
President pro tem., St. Joseph.



IN SENATE OF THE UNITED STATES.

MAY 7, 1840.

Submitted, and ordered to be printed.

Mr. HUBBARD made the following

REPORT:

[To accompany bill S. No. 336.]

Committee of Claims, to whom was referred the memorial of Preston Starritt, report :

That, on the 1st day of March, 1837, the said Starritt, in behalf of D. molds, A. R. S. Hunter, and himself, entered into a contract with tenant A. Montgomery, acting assistant quartermaster, United States Army, by which it was agreed to deliver 8,000 bushels of corn at Fort Mifflin, North Carolina, for the consideration of \$10,200, at the following rates and times: "2,000 bushels at 99 cents per bushel; 3,000 bushels at \$1 25 per bushel; 3,000 bushels at \$1 50 per bushel; 2,000 bushels to be delivered on or before the 1st of April; 3,000 on or before the 15th of May, and the remainder on or before the 15th of June, 1837; payment to be made in three separate instalments, on compliance with the terms of the contract."

This contract was made in pursuance of an advertisement published in the *North Carolina Gazette*, and Montgomery and the proposals of said Starritt in answer thereto. The advertisement, proposals, and contract, are annexed to this report, and respectively marked A, B, and C.

Soon after signing the agreement, the contractors commenced a delivery of the corn, and the circumstances which subsequently took place are substantially stated in the following extracts from a letter addressed by A. Hazel, assistant quartermaster at Athens, Tennessee, to the acting Quartermaster General :

"On the 30th of May the contractors, after having delivered upward of 1,000 bushels, and being in want of funds, Lieutenant Montgomery paid them for 1,000 bushels at the average price (\$1 27½), on the pretence, as he states, that the contract would be fulfilled.

"Lieutenant Montgomery, at the time, was disbursing under my direction, and his accounts had to pass through my office. This account [marked and marked D] was disallowed, being considered in violation of the contract; and he was informed that only 99 cents could be paid the contractors for the corn delivered under the first provision of the contract.

"The contractors refused to refund the amount disallowed, and con-

tended for the average price, it being, as they said, the understanding at the time of entering into the contract. In the meantime, they delivered 2,586 bushels, and then refused to deliver any more except upon their own terms.

“Lieutenant Montgomery was then instructed to purchase corn (or oats) and keep the command supplied until the new crops came into market.

“Major Cross, acting Quartermaster General, was advised of these measures, and he decided that the additional cost should be charged to the contractors and no payments be made until his instructions on the subject were received.

“When the new crops came into market, I forwarded a statement [here to annexed and marked E] to the acting Quartermaster General, exhibiting the amount considered at the time to be due the contractors.

“Lieutenant Montgomery, though acting under the instructions and universally recognised as an agent of the department, has had a suit instituted against him for damages arising under the contract entered into with Starritt & Co., which suit is now pending in the courts of North Carolina.”

After the receipt of the letter from which the above extract is taken, Starritt was notified that the Quartermaster General's Department was ready to adjust and pay his account upon the basis of the statement included to, provided the check given by Lieutenant Montgomery, in payment of his claim, should be surrendered. This check was the one given to Starritt on the previous settlement of the account (D). It had been presented to the bank upon which it was drawn after the bank had stopped paying specie, and protested for non-payment.

To this proposition Starritt declined to accede; and soon afterward, in the spring of 1839, came to Washington and addressed a letter to the Secretary of War, urging upon him the early adjustment of his claim. This letter was transmitted to the Quartermaster General, who recommended that the claim should be submitted to the action of the accounting officers of the Treasury. Their decision was in accordance with that previously made by the acting Quartermaster General, and an extract from it is here to annexed (marked F).

The Secretary of War having declined to interfere with the decision of the acting Quartermaster General—not to pay the balance due Starritt except upon his surrendering the protested check, and withdrawing his suit against Lieutenant Montgomery—and Starritt having made another unsuccessful attempt to attain his object by a direct appeal to the President of the United States, he, on the 3d of August, 1839, gave up the protested check, withdrew his suit against Lieutenant Montgomery, and was paid the balance found due him as per voucher annexed (marked G).

He now applies to Congress for relief, and asks the payment of the difference between what he has received and the average price (\$1 27½) for the whole corn to have been delivered; being 28½ cents per bushel upon 2000 bushels, and 2½ cents upon 586 bushels, amounting to \$594 ½ with interest thereon. He also claims, for interest upon the protested check and the cost of protest, \$147 90, and to be refunded the amount of a loss charged to him of \$29 98, and deducted by the accounting officers from the amount due, alleging that he is not justly answerable for the loss.

difficulty in this case arises entirely from the ambiguity of the contract specifically stating what particular price should be attached to the contract delivery. Although the committee would fully concur in the construction given to the contract by the acting Quartermaster General, if the accounting officers of the Treasury were there nothing in the contract to the contrary, yet, taking into consideration the testimony of one or two witnesses, that all the deliveries were to be paid for at the average price, the practical construction given to the contract by Lieutenant Montgomery himself, by the terms of his settlement for the first 1000 bushels, and the inference is very strong that the construction now contended for by Starritt is in accordance with the understanding of all parties at the time the agreement was made.

In this opinion, it will be seen, is concurred in by General Jesup, Quartermaster General, from whom the committee have received the annexed report (marked H); and although they cannot concede that the construction given by Lieutenant Montgomery would impose any *legal* obligation upon the United States, they are disposed to consider it as in accordance with the understanding of the parties at the time as would bind the United States morally and equitably bound to comply, upon the basis of such understanding.

The committee also concur in the opinion expressed by the Quartermaster General, that Starritt was properly charged with the loss sustained by the public in consequence of his failure to comply with his agreement; and his difficulties, in regard to the check, having resulted from his neglect in not delivering the corn at the times required by the terms of the contract, he can have no just claim for any losses occasioned.

Therefore, report the accompanying bill.

A.

NOTICE.

Proposals will be received at the office of the acting assistant Quartermaster at Huntingdon, N. C., for the delivery of eight thousand bushels of good merchantable corn at Fort Cunningham, N. C., on or before the first of June, 1837. The contract will be awarded to the lowest bidder, giving good and sufficient security for the performance thereof. The opening of proposals to be opened on the first of March, 1837, at 3 o'clock P. M.

A. MONTGOMERY,
A. A. Quartermaster, U. S. army.

B.

PROPOSALS.

HUNTINGDON, *March 1, 1836.*

The undersigned proposes to deliver at Camp Cunningham two thousand bushels of corn at ninety-nine cents, agreeably to the notice for the furnishing corn for Tennessee volunteers.

HUNTINGDON, *March 1, 1837.*

The undersigned offers to deliver three thousand bushels of corn at Camp Cunningham, at one dollar and twenty-five cents per bushel, agreeably to the notice for the letting the furnishing corn for Tennessee volunteers.

HUNTINGDON, *March 1, 1837.*

The undersigned proposes to deliver at Camp Cunningham three thousand bushels of corn, at one dollar and fifty cents per bushel, agreeably to the notice for the letting the furnishing corn for Tennessee volunteers.

PRESTON STARRITT.

C.

The undersigned hereby agree to deliver eight thousand bushels of good merchantable corn at Fort Cunningham, N. C., to Lieutenant Alexander Montgomery, acting assistant quartermaster United States army, for the consideration of ten thousand two hundred and thirty dollars, at the following rates: two thousand bushels, at ninety-nine cents per bushel; three thousand bushels, at one dollar twenty-five cents per bushel; and three thousand bushels, at one dollar and fifty cents per bushel: two thousand bushels to be delivered on or before the 1st of April, three thousand bushels on or before the 15th of May, and the remainder on or before the 15th of June, 1837.

Payment to be made by Lieutenant A. Montgomery in three separate instalments, on compliance with the terms of the contract.

The undersigned further agree to forfeit to the United States ten thousand dollars in the event of a non-fulfilment of this contract.

P. STARRITT,
D. REYNOLDS,
A. R. S. HUNTER

Witness: MOSES CUNNINGHAM,
S. W. GRADY.

HUNTINGDON, N. C., *March 1, 1837.*

D.

THE UNITED STATES

To Preston Starritt,

Dr.

1837, May 30. For one thousand bushels of corn, at \$1 27½	
per bushel	\$1,278 75
For two thousand two hundred bundles of fodder, at four	
cents per hundred	88 00

1,366 75

Lieutenant Montgomery to have credit for \$500.

I certify, on honor, that the above account is correct and just; that the above articles were purchased, as stated; and that they were necessary for

connected with supplying the volunteers stationed at Fort But-

A. MONTGOMERY,
Lieutenant, 7th Infantry.

Fort Butler, N. C., May 30, 1837, from Lieutenant A. Montgomery assistant quartermaster United States army, thirteen hundred and sixty-six dollars and seventy-five cents, in full of the above

5. **PRESTON STARRITT.**

hundred dollars was paid on the within voucher, and a check on the balance, amounting to \$866 75. The check was protested; and afterwar'd arising about the price of corn, the fodder was paid on a separate voucher, amounting to \$88, which was also paid by.

A. MONTGOMERY,
Lt. 7th Infantry, A. A. Quartermaster.

on honor, that I received one thousand bushels of corn from Starritt, for which he has received but \$500. Adopting the contract now put upon the contract, there still remains \$490 unpaid upon one thousand bushels.

A. MONTGOMERY,
Lieut., and A. A. Quartermaster, U. S. A.

E.

Exhibiting the amount due on the contract entered into with Starritt & Co. for the delivery of 8,000 bushels of corn at Fort North Carolina.

Delivered : 2,000 bushels, at 99 cents	-	-	\$1,980 00
586 bushels at 125 cents	-	-	732 50
			2,712 50
On the contract by the acting assistant quartermaster 8,000 bushels, at \$1 32½; being an excess of 7½ cents paid over the contract price, and for which the contractor is chargeable	-	-	29 98
			2,682 52
Advanced by Lieutenant Montgomery	\$500 00		
on a bank of Athens	866 75		
			1,366 75
Remaining due	-	-	\$1,315 77

Contractors had the check protested, and have it now in their possession. Should it be surrendered, there would be \$2,182 52 due them.

F.

Extract from the decision of the accounting officer of the Treas

Without entering into the question of the forfeiture incurred by the contractors, in consequence of the non-fulfilment of their contract, it is the opinion that they can only be allowed and paid for the corn delivered by them at the rates stipulated in the contract: that is, 99 cents per bushel for the first 2,000 bushels delivered by them; \$1.25 per bushel for the remaining 586 bushels; subject to a deduction of $7\frac{1}{2}$ cents per bushel on 399 $\frac{1}{2}$ bushels, purchased by the quartermaster's department at a rate exceeding the contract price for the second delivery, in consequence of the contractors having failed to complete their contract; and, also, to the further deduction of \$500, paid to the contractors by Lieutenant A. Montgomery.

All the papers in the case are herewith transmitted for the de
the Second Comptroller of the Treasury thereon.

I am, very respectfully, your most obedient servant,

PETER HAGNER, A

ALBION K. PARRIS, Esq.,

Second Comptroller of the Treasury.

SECOND COMPTROLLER'S OFFICE
May 18

I have examined the papers submitted in the case of Prestor and concur in opinion with the Third Auditor upon the principles which should govern the accounting officers in the settlement of his account as set forth in the preceding page.

J. SEAVE
Acting Comptroller

G.

Copy of the voucher paid by the Third Auditor, on the 3d of Aug

THE UNITED STATES

To Preston Starritt & Co.

For 2,000 bushels of corn, delivered under a contract, dated							
1st of March, 1837, at 99 cents per bushel	-	-	-	-	-	-	-
For 586 bushels, delivered under said contract, at \$1 25 per							
bushel	-	-	-	-	-	-	-

From which deduct:

Amount advanced claimants (see voucher No. 1, sub-abstract A, No. 8, account of Lieutenant A. R. Hetzel, for 3d quarter of 1837)	-	-	-	-	\$500 00
--	---	---	---	---	----------

at paid claimants by Captain Hetzel voucher No. 1, abstract of Indian hos- s, 3d quarter of 1839) - - - - -	804 52	
cents per bushel on 399½ bushels, pur- d by the quartermaster's department at e exceeding the contract price for the d delivery - - - - -	29 98	1,334 50
		<hr/>
e due the contractors - - - - -		<u>\$1,378 00</u>

H.

QUARTERMASTER GENERAL'S OFFICE,
Washington City, April 25, 1840.

In compliance with the request contained in your letter of the instant, I have the honor to enclose papers, numbered from 1 to 38, copies and extracts of the documents and correspondence in the Preston Starritt. From these papers it will be seen that Mr. Starritt contracted to deliver 8,000 bushels of corn for \$10,230, at Fort Cunn, in North Carolina, in 1837, viz: 2,000 bushels on the 1st of May; 3,000 bushels on the 15th of May; and 3,000 bushels on the 15th of June. That the corn was to be paid for at three different rates, 2,000 bushels, at 99 cents; 3,000 bushels, at \$1 25; and 3,000 bushels, at \$1 50. That he delivered 2,586 bushels, and failed to deliver the remainder. That he claimed for the quantity delivered the average price of \$1 27½; but was paid for 2,000 bushels, at 99 cents, and for 586 bushels, at \$1 25 per bushel; the loss sustained by his failure being charged to him at the Treasury.

The contract does not specify what particular deliveries are to be paid for respectively at the several prices, though the inference is strong that the construction given to it at the Treasury is correct, and in accordance with the intentions of the parties when they signed it. Mr. Starritt, however, contends that he might, with as much propriety, claim the highest price for the first delivery, as that the public should insist on his receiving the lowest rate. Had there been no concurrent action on the contract by the Treasury, I should have considered the decision of the Treasury unquestionably correct; but, in the payment for the first 1,000 bushels, the agent of the Government (Lieutenant Montgomery) stated the account at the price of \$1 27½ per bushel; thus giving a practical construction to the instrument which legally binds, and ought to bind, the public. I think Mr. Starritt should be settled with at the average price for the quantity delivered; but the loss sustained by the public, in consequence of his failure, has been properly charged to him.

He complied with the terms of his contract, by delivering the corn on the days specified, viz: the 1st of April and the 15th of May, there would have been no difficulty in regard to money; the banks in which the public funds were deposited were then, and

for weeks after, paying specie. His difficulties in regard to funds having been produced by his own act, the public is not accountable for them.

I return the papers submitted with your letter; and am, sir, most respectfully, your obedient servant,

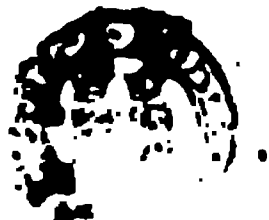
TH. S. JESUP,
Quartermaster General.

Hon. H. HUBBARD,
Senate of United States, Washington City.

IN SENATE OF THE UNITED STATES.

MAY 7, 1840.

Submitted, and ordered to be printed.



Mr. HUBBARD made the following

REPORT:

[To accompany bill S. No. 309.]

Committee of Claims, to whom was referred a document relating to the claim of R. K. Call, report :

On the 22d of April, 1826, an act was passed by Congress, entitled an act giving the right of pre-emption in the purchase of lands to settlers in the States of Alabama, Mississippi, and Territory of Florida. That, at the time of the passage of this act, the said R. K. Call receiver of public moneys at Tallahassee. That, under its re-nts, new and extra duties were imposed upon the said Call as re-n adjudicating upon the pre-emption claims of settlers in the Ter-Florida. That no provision was made for any additional com-n for these extra services devolving upon said Call, nor has he en allowed any thing therefor. That his salary, as receiver of moneys during the time these additional services were performed, was \$500 per annum, and a commission of one per cent. on received and accounted for to the Government ; and, by the act 22, 1826, he became entitled to a further compensation, for the la-r, and expenses of transporting, and depositing such public mon-be paid by the Secretary of the Treasury.

Now presents an account against the United States "for services extra, required of him by an act of Congress passed subsequently appointment as receiver, and for which no compensation whatever was allowed ; to wit: in adjudicating pre-emption claims under the act passed the 26th of April, 1826, for three years and one month, ending the 29th of May, 1829, at \$5 per day, \$5,630."

From a statement furnished the committee, it appears that the moneys have been paid for salary, commissions, and compensation for depositing public moneys, during the four years within which he performed the services above charged, the following sums, to wit :

Given, printers.

Year.	Receiver's salary.	Receiver's commissions.	Compensation for depositing.	Total.
1826 - - -	\$500 00	\$527 70	\$352 36	\$1,380 06
1827 - - -	500 00	2,306 87	1,827 13	4,634 00
1828 - - -	500 00	379 76	289 96	1,169 72
1829 - - -	500 00	714 17	491 74	1,705 91
	2,000 00	3,928 50	2,961 19	8,929 69

Making his annual pay as receiver, derived from his regular sales commissions, \$1,482 12; and if his compensation for depositing be also taken into the account, his emoluments would amount to an average annual compensation of \$2,222 42.

The principle has been repeatedly recognised by Congress, that tried officers have no just claim for extra compensation for any increase of duties imposed upon them; and the committee can see no reason in this case which should induce them to deviate from a principle so sound and just. The duties required of the memorialist by the act of 1826 properly belonged to the office of which he was the incumbent, and believing, as the committee do, that the annual average pay of \$2,222 42 which he received, was a liberal compensation for all the services he rendered the United States while receiving this compensation, they do not recommend any additional allowance. They, therefore, recommend the following resolution:

Resolved, That the bill be indefinitely postponed.

REPORT

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING,

in compliance with a resolution of the Senate, statements showing the expenditures of the Government from 1824 to 1839, inclusive.

MAY 7, 1840.

read, and ordered to be printed, and that 30,000 additional copies be sent to the Senate.

TREASURY DEPARTMENT, May 4, 1840.

SIR: I have the honor to submit this report, in compliance with the foregoing resolution passed by the Senate on the 24th ultimo:

Resolved, That the Secretary of the Treasury report to the Senate the aggregate amount of all expenditures or payments of every kind from the Treasury in each year, from 1824 to 1839, inclusive, in one column; and, in another column for each year, the aggregate amount, independent of payments on account of the public debt, whether funded or unfunded; and, in a third column, the aggregate amount for permanent and extraordinary purposes, excluding payments on account of objects either extraordinary or temporary—such as the public debt; trust funds and indemnities; claims of States for war debts, or three per cents on lands sold; national donations in money to objects in the District of Columbia, or otherwise; survey of the coast; taking the census; duties refunded; the exploring expedition, and materials collected for the gradual improvement of the navy; durable public buildings of all kinds; bridges and navigations; all roads, canals, breakwaters, and improvements in rivers and harbors; arming militia and forts; all pensions, except those to invalids, and the purchases of title to lands from Indians; the removal of Indians, and their wars; with such other payments as may have been made in those years for property lost, or injuries committed, during any hostilities."

This resolution was on the same day referred to the Register of the Treasury, with instructions to prepare a tabular statement containing the information desired, in three separate columns. It is hereto annexed, marked A.

I was requested also to prepare another statement showing the specific items which had been deducted each year on account of each item mentioned in the resolution as either extraordinary or temporary. Believing that this would be highly useful, as showing the details on which the general results in the third column of the first statement rest, and as embracing many statistical facts possessing in themselves much interest, I have annexed it, marked B.

Wm. A. Rives, printers.

Unless some accidental omission or other error has occurred, the statements will present all the information desired by the resolution.

With high respect,

LEVI WOODBURY,
Secretary of the Treasury

Hon. R. M. JOHNSON,
*Vice President of the United States, and
President of the Senate.*

A.

Statement of expenditures of the United States, from the year 1824 to the year 1839, inclusive; agreeably to a resolution of the Senate of April, 1840.

Years.	Aggregate amount of all expenditures, or payments of every kind, from the Treasury.	Aggregate amount independent of the payments on account of the public debt, whether funded or unfunded.	Aggregate amount of the ordinary and extraordinary expenditures, exclusive of the payment of objects ordinary or extraordinary.
1824	\$31,898,538 47	\$15,330,144 71	\$7,107
1825	23,585,804 72	11,490,459 94	6,537
1826	24,103,398 46	13,062,316 27	7,058
1827	22,656,764 04	12,653,095 65	7,427
1828	25,459,479 52	13,296,041 45	7,788
1829	25,044,358 40	12,660,460 62	7,503
1830	24,585,281 55	13,229,533 33	7,624
1831	30,038,446 12	13,864,067 90	7,679
1832	34,356,698 06	16,516,388 77	8,562
1833	24,257,298 49	22,713,755 11	8,827
1834	24,601,982 44	18,425,417 25	9,667
1835	17,573,141 56	17,514,950 28	9,157
1836	30,868,164 04	30,868,164 04	11,686
1837	37,265,037 15	37,243,214 24	13,098
1838	39,455,438 35	33,849,718 08	13,837
1839	37,129,396 80	25,982,797 75	13,325

* "Such as the public debt, trust funds, indemnities, claims of States for war debts on lands sold; occasional donations in money to objects in the District of Columbia; otherwise; survey of the coast; taking the census; duties refunded; exploring expeditions; materials collected for the gradual improvement of the navy, (including improvements in the navy yards;) durable public buildings of all kinds; bridges and fortifications; all roads, canals, and improvements in rivers and harbors; arming militia and forts; all pensions to invalids; and the purchases of title to lands from Indians, (Indian Department removal of Indians, and the wars; with such other payments as may have been made in the years for property lost, or injuries committed, during any hostilities." None of the columns include any thing on account of the Post Office Department.

NOTE.—The expenditures of 1839 are subject to variation on the settlement of the accounts for that year; which have not yet reached this office.

TREASURY DEPARTMENT,
Register's Office, May 4, 1840.

T. L. SMITH, Jr.

	1884.	1885.	1886.	1887.
Public debt	\$16,568,393 76	\$19,096,344 78	\$11,041,083 19	\$10,003,683 39
Trust funds				2,928 60
Indemnities	4,801,368 66	93,924 61	4,897 65	401,963 46
Claims of States for war debts	5,610 97	186,090 67	9,967 86	118,177 60
Three per cent. on lands sold	47,714 53	57,331 89	159,107 84	37,943 57
Two per cent. on account of Cumberland road	17,030 00	35,860 00	37,363 75	169,230 00
Occasional donations in money to objects in District of Columbia			196,469 00	
Survey of the coast	4,375 19	1,973 30	1,939 43	4,076 43
Taking the census				
Deductions refunded				
Exploring expedition				
Materials collected for the gradual improvement of the navy (including				
improvements at navy-yards)	423,343 46	719,605 63	1,615,731 41	1,274,766 59
Portable public buildings of all kinds	180,309 67	190,809 43	177,467 63	408,273 32
Bridges and fortifications	489,973 04	703,711 94	766,447 66	633,636 81
Reeds, canals, breakwaters, and improvements in rivers and harbors				
(except Cumberland road)	66,956 99	334,363 08	488,740 03	275,938 14
Arming militia and forts	171,156 43	178,348 09	196,838 64	263,810 59
All pensions, except those of invalids	1,287,600 41	1,509,810 57	1,306,194 88	806,571 30
Purchase of titles to lands from Indians (Indian Department)	429,987 90	734,106 44	743,447 83	708,447 36
Removal of Indians, and the wars				43,177 53
Such other payments as may have been made for property lost or inju-				
ries committed during any hostilities, and other miscellaneous items	286,960 21	173,614 80	369,336 80	71,639 96
of an extraordinary or temporary character				
	8,939,262 66	4,968,769 67	6,003,444 16	5,236,919 87

B—Continued.

	1898.	1899.	1900.	1901.
Public debt	\$12,163,438 07	\$12,383,867 78	\$11,385,748 23	\$16,174,378 93
Total funds	46,317 14	129,589 41	3,479 94	3,463 00
Indemnities	791,049 40	28,163 78	-	281 75
Claims of States for war debts	7,906 76	9,929 95	16,115 09	431,696 43
Three per cent. on lands sold	29,029 82	14,207 87	30,503 90	42,964 16
Two per cent. on account of Cumberland road	193,108 36	207,437 64	226,631 83	173,406 85
Personal donations in money to objects in District of Columbia	-	-	-	-
Survey of the coast	1,154 97	34 07	-	-
Making the canals	-	-	49,000 00	238,761 14
Boats refunded	-	-	-	-
Exploring expedition	-	-	-	-
Materials collected for the gradual improvement of the navy (including improvements at navy-yards)	801,030 02	543,995 97	590,178 10	811,466 44
Durable public buildings of all kinds	302,343 74	278,625 94	249,921 22	266,872 95
Buildings and fortifications	637,558 43	834,279 51	908,650 86	764,712 33
Roads, canals, breakwaters, and improvements in rivers and harbors (except Cumberland road)	375,906 59	1,089,898 97	963,408 49	808,913 31
Arming militia and forts	369,189 69	356,491 88	317,910 22	255,059 22
Pensions, except those of invalids	1,137,905 43	1,057,175 08	1,322,079 16	1,235,101 37
Purchase of titles to lands from Indians (Indian Department)	633,973 71	534,301 74	557,574 23	736,592 76
Removal of Indians, and the wars	71,110 53	26,997 54	56,313 05	191,983 11
Such other payments as may have been made for property lost or injuries committed during any hostilities, and other miscellaneous items of an extraordinary or temporary character	117,192 10	61,227 41	287,537 20	144,687 49
	\$5,107,648 89	\$5,197,956 16	\$5,004,706 77	\$6,184,836 94

	1893-4.	1894-5.	1895-6.
Public debt -	\$17,840,208 29	\$1,142,545 23	\$6,176,545 19
Trust funds -	168,692 29	94,953 45	608,436 93
Indemnities -	2,354 08	679,617 80	31,578 09
Claims of States for war debts	780,657 63	339,576 59	50,096 59
Three per cent. on lands sold	133,039 74	96,301 97	949,144 28
Two per cent. on account of Cumberland road	263,684 57	617,167 39	189,676 67
Occasional donations in money to objects in District of Columbia	22,000 00	312,000 00	34,686 89
Survey of the coast -	14,927 67	19,631 47	4,776 04
Taking the census -	29,447 86	701,769 70	
Duties refunded -	-	739,990 72	
Exploring expedition	806,552 47	641,306 66	
Materials collected for the gradual improvement of the navy (including improvements at navy yards)	583,199 94	804,606 96	
Durable public buildings of all kinds		519,326 04	789,904 37
Bridges and fortifications -		680,104 71	776,351 97
Roads, canals, breakwaters, and improvements in rivers and harbors (except Cumberland road)		590,971 35	326,373 29
Arming militia and forts	804,685 69	345,500 23	631,267 16
All pensions, except those of invalids	999,565 83	4,486,363 90	989,147 98
Purchase of titles to lands from Indians (Indian Department)	1,987,704 78	1,390,450 99	1,867,036 79
Removal of Indians, and the wars -	1,056,977 09	1,378,769 57	1,497,867 67
Such other payments as may have been made for property lost or injuries committed during any hostilities, and other miscellaneous items of an extraordinary or temporary character -	757,922 82	915,197 62	149,371 34
	573,569 23		95,853 39
	7,953,736 25	13,686,659 34	8,367,459 96

B—Continued.

[450]

	1836.	1837.	1838.	1839.
Public debt -	-	\$21,822 91	\$5,605,720 27	\$11,146,599 06
Trust funds -	\$1,191,232 94	1,285,908 74	1,329,741 80	240,691 18
Indemnities -	225,555 57	4,369,065 32	975,577 09	717,552 27
Claims of States for war debts -	55,994 85	70,852 32	107,707 79	4,875 50
Three per cent. on lands sold -	963,993 94	460,542 00	26,894 96	63,670 00
Two per cent. on account of Cumberland road -	368,356 90	406,734 60	351,977 62	198,520 00
Occasional donations in money to objects in District of Columbia -	131,244 62	235,240 75	177,617 15	126,374 77
Survey of the coast -	36,393 59	97,900 00	88,937 30	91,995 78
Taking the census -	-	333,740 00	454,586 69	12,000 00
Duties refunded -	1,149 96	97,293 92	* 161,413 91	179,304 30
Exploring expedition -	202,706 08	-	-	* 97,968 36
Materials collected for the gradual improvement of the navy (including improvements at navy yards) -	843,833 14	860,116 34	608,541 09	714,857 74
Durable public buildings of all kinds -	868,134 97	1,086,029 52	1,186,551 08	1,248,044 97
Bridges and fortifications -	858,543 21	966,665 33	543,544 47	735,570 87
Roads, canals, breakwaters, and improvements in rivers and harbors (except Cumberland road) -	958,341 44	1,493,310 42	1,191,802 84	1,000,491 59
Arming militia and forts -	498,561 47	587,118 44	450,121 11	474,906 35
All pensions, except those of invalids -	2,559,899 39	2,471,986 07	1,937,068 10	3,033,764 98
Purchase of titles to lands from Indians (Indian Department) -	3,009,040 72	2,484,186 20	4,603,518 72	1,908,193 12
Removal of Indians, and the wars -	5,945,613 09	6,524,211 73	5,414,192 76	1,775,914 13
Such other payments as may have been made for property lost or injuries committed during any hostilities, and other miscellaneous items of an extraordinary or temporary character -	470,580 98	313,931 71	402,326 17	232,369 36
	19,179,176 86	24,144,892 41	20,012,123 64	12,656,997 57

* Obtained from the Fourth Auditor's Office.

TREASURY DEPARTMENT, Register's Office, May 4, 1840.

T. I. SMITH, Register

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

from the Secretary of War, in compliance with a resolution of the Senate, in relation to the military and naval defences of the country.

APRIL 27, 1840.

Read, and referred to the Committee on Military Affairs.

MAY 8, 1840.

Ordered to be printed, and the committee discharged.

Senate of the United States :

transmit, herewith, a report and accompanying documents from the Secretary of War, which furnish the information, in relation to that portion of the defences of the country intrusted to the charge and direction of the Department of War, called for by the resolution of the Senate of March 2, 1839.

M. VAN BUREN.

WASHINGTON CITY, April 24, 1840.

WAR DEPARTMENT, April 24, 1840.

On the 2d of March, 1839, the Senate "*Resolved*, That the President of the United States be requested to cause to be laid before the Senate at the commencement of the next session of Congress, reports on the military and naval defences of the country ; showing—

The fortifications, or other permanent defences, commenced, projected, or deemed necessary : 1. For the northern frontier, from Lake Superior to Passamaquoddy bay. 2. For the maritime frontier, from Passamaquoddy bay to Cape Florida. 3. The Gulf frontier, from Cape Florida to the Sabine bay. 4. The western frontier, from the Sabine bay to Lake Superior ; with a conjectural estimate of the probable expense of constructing or completing such works as may not yet have been commenced.

The state of the armament of the fortifications, so far as the same have been completed or commenced, with a conjectural estimate of the expense of completing the armament of all the forts which may be completed, or deemed necessary to be constructed.

Lives, printers.

"3d. The armories, arsenals, magazines, and foundries, either constructed or deemed necessary; with a conjectural estimate of the expense of constructing such of said establishments as may not yet be completed or commenced, but which may be deemed necessary.

"4th. The floating or steam batteries, or vessels which have been constructed in aid of fortifications, or may be deemed necessary to be constructed in aid of such works, with a conjectural estimate of the expense which the same may require.

"5th. The ships of war built, or under construction, or deemed necessary to be built, with a conjectural estimate of the expense of building and arming the vessels not yet completed or commenced, or which may be deemed necessary within a reasonable time.

"6th. The navy yards, docks, and naval establishments of every kind, either constructed or commenced, or deemed necessary, with the probable expense of completing the same.

"With any other information or suggestions which the President may deem necessary to be communicated to Congress, in order to exhibit a full view of what is necessary to be done, and the probable cost thereof, to place the United States in a proper state of defence by land and water, and on each of the four great lines of defence which her frontiers present.

This resolution having been referred by you to this department, with instructions to furnish the information required in relation to the matters under its jurisdiction and control, a board of able and experienced officers was appointed to take the whole subject into consideration, and to make a full and detailed report on the various points of inquiry involved. The report of that board I have now the honor to submit. The great inconvenience to the service which would have resulted from assembling, at an earlier period, the officers who composed the board, and the important interests embraced in the subjects submitted to them, have occasioned the delay which has occurred in furnishing the information called for by the resolution.

In presenting this report, I beg leave to state that I fully concur with the board, both as to the manner it is proposed to defend our maritime and inland frontiers, and in the selection of sites for the works of defence.

Very respectfully, your most obedient servant,

J. R. POINSETT.

To the PRESIDENT of the United States.

WASHINGTON, April 23, 1840.

SIR: The board of officers, to whom so much of the resolution of the Senate of the United States of the 2d of March, 1839, as relates to the military defences of the country, was committed, have the honor to submit the following reports, namely:

1st. *Report on the defence of the Atlantic frontier, from Passamaquoddy to the Sabine.*

This is divided into two distinct portions, viz: the coast from Passamaquoddy to Cape Florida; and the coast from Cape Florida to the Sabine bay.

Report on the defence of the northern frontier, from Lake Superior to Maquoddy bay.

Report on the western frontier, from the Sabine bay to Lake Su-

*perior. Connected with these reports are tabular statements showing the "per-
defences commenced, completed, projected, or deemed necessary ;"
conjectural estimates of the probable expense of constructing or com-
mencing such works as may not yet have been completed or commenced."*

*Report on "the armories, arsenals, magazines, and foundries,
constructed or deemed necessary, with a conjectural estimate of the
expense of constructing such of said establishments as may not yet be
completed or commenced, but which may be deemed necessary."*

J. R. POINSETT,

Secretary of War.

REPORT

ON

THE DEFENCE OF THE ATLANTIC FRONTIER, FROM PASSAMAQUODDY
TO THE SABINE.

So entirely does this board concur in the views presented on several occasions, within the last twenty years, by joint commissions of naval and military officers, by the board of engineers for fortifications, and by individual officers, who have at various times been called on to treat the same subject, that, in quoting their opinions, we should, for the greater part, use our own. But though these reports are, some of them, comprehensive and elaborate, we suppose that an explicit statement of our views, at least on the great principles on which the system of defence should be erected, is expected from us; especially as the system now in progress has been the subject of a criticism which, considering the high official source whence it emanated, may be supposed to have disturbed the confidence of the public therein.

The nature and source of that criticism, attacking as it does fundamental principles, and inculcating doctrines which we believe to be dangerous, will lead us at times into amplifications that we fear may be tedious; this, however, we must risk, trusting to the importance of the subject for excuse, if not for justification.

The principal errors, as we conceive, in the document * referred to,

1. That, for the defence of the coast, the chief reliance should be placed on the navy.

2. That, in preference to fortifications, floating batteries should be employed wherever they can be used.

3. That we are not in danger from large expeditions; and, consequently,

4. That the system of the board of engineers comprises works which are unnecessarily large for the purposes they have to fulfil.

On these topics, together with other errors of the same nature, we feel constrained to enlarge.

The first question that presents itself is this: *What, in general, shall be the means of defence?*

We have a seacoast line of more than three thousand miles in length along which lie scattered all the great cities; all the depots of commerce, all the establishments of naval construction, outfit, and repair; and all the villages, and establishments of private enterprise, without number. Along this line of seacoast, navigable bays, estuaries, and rivers, the shores of which are similarly occupied, penetrate deep into the heart of the country.

How are the important points along this extended line to be secured against hostile expeditions, especially since one of the prominent causes of the prosperity of these various establishments, namely, facility of access to the ocean, is, as regards danger from an enemy, the chief cause of weakness?

Shall the defence be by a navy exclusively?

* See Senate document No. 293, p. 1, 24th Congress 1st session—vol. 4.

pinion *that the navy is the true defence of the country* is so ancient and popular, and is sustained by such high authority, that it deserves careful examination.

going into this examination, we will premise, that by the term is here meant, we suppose, line-of-battle ships, frigates, smaller vessels, and armed steam-ships; omitting vessels constructed for local duty, such as floating batteries.

The purpose of first considering this proposition in its simplest terms, begin by supposing the nation to possess but a single seaport, and is to be defended by a fleet alone.

Remaining constantly within this port, our fleet would be certain of the enemy, should he assail it. But if inferior to the enemy, there is no reason to look for a successful defence; and as there could be no refuge for the defeated vessels, the presence of the fleet, instead of averting disaster, would only render it the more calamitous.

If our fleet be equal to the enemy's, the defence might be complete, probably would be so. Still, hazard—some of the many mishaps attend contests of this nature—might decide against us; and, in that case, the consequences would be even more disastrous than on the former supposition. In this case, the chances of victory to the two would be equal, but the consequences very unequal. It might be the enemy's fate to lose his whole fleet, but he could lose nothing more; while, in a similar event, we would lose, not only the whole fleet, but also the port that the fleet was designed to protect.

Superior to the enemy, the defence of the port would, in all respects, be complete. But, instead of making an attack, the enemy would, in such a case, employ himself in cutting up our commerce on the ocean; and nothing could be done to protect this commerce, without leaving the port in a situation to be successfully assailed.

Even in the former of the above cases, the fleet might await the enemy in front of the port, instead of lying within it. But no advantage is apparent from this arrangement; and there would be superadded the risk of being driven off by tempests, and thereby disqualified for the duty of defence, or of being driven off the coast by gales of wind; thus, for a time, removing all defence.

In the same cases, also, especially when equal or superior to the enemy, depending on having correct and timely notice as to the position and preparation of the enemy's forces, might think proper to meet the enemy at the outlet of his own port, or intercept him on the way, instead of waiting for him within or off our own harbor. Here it must be noticed that the enemy, like ourselves, is supposed to possess a single harbor only; but, if protected it by other means, that his navy is disposable for offensive operations. If it were attempted thus to shut him within his own port, he would be at a disadvantage, not that of decided inferiority, would not hesitate to come out to battle; because, if defeated, he could retire, under shelter of his own coast, to refit; and, if successful, he could proceed with a small portion of his force—even a single vessel would suffice—to the capture of our port, and the destruction of our commerce; while, with the remainder, he would follow up his advantage, and capture our defeated vessels, not failing to pursue them into their harbor, and prevent their return thither.

Superiority on our part would keep the enemy from volunteering an attack, but it would be indispensable that the superiority be steadily main-

tained, and that the superior fleet be constantly present. If driven off by tempests, or absent from any other cause, the blockaded fleet would escape when it would be necessary for our fleet to fly back to the defence of its own port. Experience abundantly proves, moreover, that it is in vain to attempt to shut a hostile squadron in port, for any length of time. It seems then, that whether we defend by remaining at home, or by shutting the enemy's fleet within his own harbor, actual superiority in vessels is indispensable to the security of our port.

With this superiority the defence will be complete, provided our fleet remain within its harbor. But then all the commerce of the country upon the ocean must be left to its fate; and no attempt can be made to move offensively upon the foe, unless we can control the chances of finding the enemy's fleet within his port, and the still more uncertain chance of keeping him there; the escape of a single vessel being sufficient to cause the ruin of our harbor.

Let us next see what will be the state of the question on the supposition of numerous important ports on either side, instead of a single one; being, on our part, still, exclusively on a navy.

In order to examine this question, we will suppose our adversary fortified in all his harbors, and possessed of available naval means equal to our own. This is certainly a fair supposition; because, what is said as regards his harbors, is true of all maritime nations, except the United States; and as regards naval means, it is elevating our own strength considerably above its present measure, and above that it is likely to attain in a few years.

Being thus relatively situated, the first difference that strikes us, is, that the enemy, believing all his ports to be safe, without the presence of our vessels, sets at once about making our seas and shores the theatre of operations, while we are left without choice in the matter; for, if he comes proper to come, and we are not present, he attains his object without resistance.

The next difference is, that while the enemy (saving only the operations of Providence) is certain to fall upon the single point, or the many points he may have selected, there will exist no previous indications of his particular choice, and, consequently, no reason for preparing our defence at one point rather than another; so that the chances of not being prepared ready on his arrival are directly in proportion to the number of our ports; that is to say, the greater the number of ports, the greater the chances that he will meet no opposition whatever.

Another difference is, that the enemy can choose the mode of warfare, as well as the plan of operations, leaving as little option to us in the one as in the other. It will be necessary for us to act, in the first instance, upon the supposition that an assault will be made with his entire fleet; because should we act otherwise, his coming in that array would involve both land and coast in inevitable defeat and ruin. Being in this state of concentration, then, should the enemy have any apprehensions as to the result of a general engagement; should he be unwilling to put any thing at hazard, or should he, for any other reason, prefer acting by detachments, he would, on approaching the coast, disperse his force into small squadrons, and single ships, and make simultaneous attacks on numerous points. These enterprises would be speedily consummated; because, as the single point occupied by our fleet would be avoided, all the detachments would be un-

after a few hours devoted to burning shipping, or public establishments taking in spoil, the several expeditions would leave the coast convenient rendezvous, whence they might return, either in fleets or squadrons, to visit other portions with the scourge.

And that our fleet might, notwithstanding, be so arranged as to intercept enterprises?

It cannot be denied that the enemy may select his point of attack on any extent of coast, where is the prescience that can indicate the place where it cannot be foretold, how is that ubiquity to be imparted that will place our fleet in the path of the advancing foe? Suppose we cruise over the coast, by cruising in front of it; shall we sweep its whole length?—a distance scarcely less than that which the enemy must pass in passing from his coast to ours. Must the Gulf of Mexico be guarded as well as the Atlantic? or shall we give up the Gulf to the enemy? Shall we leave the southern cities, or give them up also? We must, unfortunately, do one of two things: either relinquish a great extent of coast, leaving our cruisers to a small portion only, or include so much, that the chances of intercepting an enemy would seem to be out of the

reach of practicability of covering even a small extent of coast by cruising—or, in other words, the possibility of anticipating an enemy's movements, of discovering the object of movements of which we get no intelligence, of hearing no tidings; and seeing the impress of his footsteps on the ocean—it may be well to consult experience.

In 1798, a French fleet, consisting of about twenty sail of line-of-battle ships and frigates, about twenty smaller vessels of war, and nearly twenty transports, conveying the army of Egypt, slipped out of port from Malta. It was followed by Nelson, who, thinking correctly that the French were bound for Egypt, shaped his course direct for Alexandria. The French, however, steering towards Candia, took the more circuitous passage, and arrived at Alexandria before them; and, not finding them there, sailed by the way of Caramania and Candia, to Sicily, missing Nelson in both passages. Sailing again for Alexandria, he found the French fleet at anchor in Aboukir bay; and, attacking them, achieved the glorious victory of the Nile.

Consider the narrowness of this sea; the very numerous vessels of the French fleet; the actual crossing of the two fleets on a certain point; that Nelson, notwithstanding, could see nothing of the enemy, could hear nothing of them from merchant vessels, we may judge of the difficulty of waylaying our adversary on the broad Atlantic.

Consider the search for another Toulon fleet in 1805; the long search for them in the Atlantic, by the same able officer; the pursuit in the West Indies; the search for him amongst the islands; the return to Europe; his vain search frequently, along the coast of Portugal, in the Bay of Biscay, and in the English channel; and the meeting at last at Trafalgar—brought about by the combined fleets, trusting to the superiority that the additional reinforcements had given, were willing to try the issue of the battle. These are instances, of many that might be cited, to show how small the probability of encountering, on the ocean, an enemy who desires to avoid battle; and how little the most untiring zeal, the most restless activity, the most exalted professional skill and judgment, can do to lessen the chances. For more than a year Nelson most closely watched

his enemy, who seems to have got out of port as soon as he prepared to do so, and without attracting the notice of any of the squadron.. When out, Nelson, perfectly in the dark as to the *c* neuve had taken, sought for him in vain on the coast of Egypt. by tempests, the French fleet again took refuge in Toulon; when put to sea, when refitted and ready, joining the Spanish fleet at

On the courage, skill, vigilance, and judgment, acceded on a belong, in a pre eminent degree, to the naval profession in this c system of defence relies to accomplish, against a string of chan of importance so great that not a doubt or misgiving as to the re missible. It demands of the navy to do perfectly, and without which to do at all seems impossible. The navy is required to secret purposes of the enemy, in spite of distance and the broken of a state of war, even before these purposes are known to the is to execute them; nay, more, before the purpose itself is forme element where man is but the sport of storms, the navy is requi wait for the foe at the exact spot and moment, in spite of w seasons; to see him, in spite of fogs and darkness. Finally, a devices and reliances of the system are satisfactorily accomplish difficulties subdued, it submits to the issue of a single battle, on e the fate of the war; having no resource or hope beyond.

It may here be alleged that the term *navy*, as applied to the the country, means more than the sea-going vessels we have c that it means, also, gun-boats, floating batteries, and steam bat that the true system of defence for the coast requires us to pro harbors with some or all of these vessels, according to local circ leaving to the sea-going vessels the duty of destroying the en merce, carrying the war into the enemy's seas, and contending f tery of the ocean.

But such a proposition is totally distinct from that we have sidering. This is one that we regard as, in part, perfectly soun taining, though not true throughout, the great principle on present glory of the navy proper has been built, and its future depend.

We are aware that some of our ships have been blockaded harbors, but we are not aware that any of the high distinction t that service has been gained in these blockaded ships.

On the other hand, we know that, instead of lying in harbo tenting themselves with keeping a few more of the enemy's vess over them than their own number—instead of leaving the en merce in undisturbed enjoyment of the sea, and our own comme countenance or aid—they scattered themselves over the wide su ocean, penetrated to the most remote seas, everywhere acting w brilliant success against the enemy's navigation. And we be over, that in the amount of enemy's property thus destroyed, o property protected or recovered, and in the number of hostile sl pursuit of our scattered vessels—ships, evaded if superior, and equal—they rendered benefits a thousand fold greater, to say no glory they acquired for the nation, and the character they imp than any that would have resulted from a state of passiveness harbors.

us to consider whether the floating defences mentioned above, i-boats, floating batteries, and steam batteries, constitute the best

sidering these defensive means, we will examine the properties land batteries, these being the only other well-tried resort; and, comparison may be instituted, we will confine ourselves to cases latter are properly applicable.

e, doubtless, situations where it may be necessary for us to pre- sive array, at the same time that to do so by fortifications alone npracticable; and it is not, therefore, prejudging the question it to examine: it is neither underrating fortifications, nor over- floating defences, to say that these last are, some or all of them, le in such positions.

; broad water, where deep soundings may be carried at a dis- the shores greater than effective gun-range, and where no , natural or artificial, can be found or formed nearer the track of present such a situation; and we may take some of our great mples.

inds, and wide roadsteads, affording secure anchorage beyond ange from the shores, will afford examples of another sort; and h very wide entrances, and large surface, exhibit examples of r kind.

such cases, fortifications alone will be ineffectual, and, never- ource to defences of some sort may be unavoidable, it has not a recommendation in the several reports on the defence of the 1818, that there should be a suitable and timely provision of floating defences. And until the invention of man shall have ntire revolution in the nature of maritime attack and defence, dred means must be resorted to; not, however, because they are ically used, or suitable under other circumstances, but because

nor with adverse winds ; and it is not easy to believe that an array of these craft would impede or hinder for a moment the advance of a hostile fleet. Nelson, at Trafalgar, bore down in two divisions, a combined fleet, each division being exposed to a raking fire ; and suffering considerably from that fire, he was able, notwithstanding the hostile line and defeat his superior adversary. What, compared with the raking fire of the combined fleet, would be the fire of a fleet of boats ? Opposing no effectual obstacle to approach or entrance, vessels, scattered and driven upon the shoals, would be kept, by the sides of a few active vessels, at too great a distance to produce any effect upon the main attack, by their desultory fire.

Although they might afford useful means of annoyance and distracted occupation by the enemy of harbors that contained extensive grounds and shallow bays and inlets, they would be nearly resisting the first assault, and in preventing the brief operations of contributions, or burning or spoiling national establishments.

The true reason of this feeble defence must not, however, be misunderstood. It is not that the boats do not carry guns enough, or men for the object ; but it is because, from the comparative weakness of the vessels, the guns and the men cannot be kept in an effective position.

There are, moreover, many harbors requiring defence, in which there are no shoals whereon these boats could take refuge ; and in case of capture or destruction would be inevitable, should there be, at any time, no river up which they might fly, or lateral issue through which they could escape, to a safe distance.

Floating batteries, of which good use might be sometimes made in peculiar situations, would, we suppose, differ from gun-boats in being larger ; containing many guns ; and in being stronger—that is, in having thicker sides or bulwarks ; and it has sometimes even been proposed to construct them with ball-proof parapets, and with platforms on which the guns are mounted like, in these respects, batteries upon the shore. But, in whatever form formed, it is necessarily a part of the idea that they be strong and compact, and, consequently, that they be unwieldy, incapable of sudden change of place, and incapacitated either to advance upon a defeated foe, or to retreat from a victorious one. We are not, of course, now speaking of batteries propelled by steam.

Being denied the power of locomotion, at least for any purpose of manoeuvring in face of the enemy, we are to consider these batteries as moored in position, and awaiting his advance. Should they be large, requiring deep water to float them ; or should they be placed near the channel, for the sake of proximity to the track of the enemy would engage them at close quarters. All advantages of concentrating his whole fleet upon one or two points, to which, under these circumstances, no relief can be sent—of greater elevation of position, would be on the side of the assailant ; with no counterbalancing advantage to the batteries, but greater thickness of bulwarks. An excess of thickness should be considered a material advantage. The introduction of large bomb-cannon into the armament of ships, is a very important matter. The batteries, if anchored across the channel, would derive the further advantage of a raking fire ; but we have seen that the resistance of one squadron of ships upon another advancing is by no means great. The power of throwing the whole assailing force upon one or

smaller floating batteries, notwithstanding their greater capability, would afford a better defence, gun for gun, than gun-boats; and, whether this capability of endurance in the one, would be a compensation for the power of locomotion in the other. Whether near the shore or in the channel, whether large or small, the mode of defence, owing to its fixedness, connected with the nature of the material of which it must be made, will be exposed to be analogous to those made by gun-boats on ships aground. The determination of what the defensive arrangements consist, will come to the requisite number of sailing or steam vessels, armed with guns, against which the thicker bulwarks of the floating batteries would be of no avail. He would, besides, hardly fail to provide himself with batteries armed with heavy sea-mortars; and, as there could be no reliance against the effects of the long ranges of these, a few such batteries, with great certainty, constrain the floating batteries to quit the position, abandoning every disposition approaching to a concentrated defence. To mention other modes of attack, which would seem to leave no chance of success with the enemy, it will be noticed that this kind of defence, whether by gun-boats or floating batteries, has the same intrinsic weakness as an inactive defence by the navy proper has; that is to say, the commander is not in his power to bring to the attack a force of the same nature, as efficacious, as that relied on for defence: hence the necessity of equality, but of *superiority*, on the part of the defence, at every point where it is liable to be attacked; and hence, also, the necessity of having an armament as many times larger than that disposable by the enemy as there are important places to guard. Should we, for example, have ten ships of the line, and the enemy threaten us with twenty ships of the line, we must have twenty ships of the line in all these places, an aggregate of gun-boats and floating batteries more than equivalent to two hundred ships of the line; for, it will be attended that these defences can be transported from one place

improvement will be, that, if the defence of harbors by steam batteries regarded as securing them from the attacks of ships of the line and frigates, or, at least, of placing the defence quite above that kind of attack, they will no longer be attacked by sailing vessels, but by steam vessels, similar, in warlike properties, to those relied on for defence.

Not only is there no impediment to transferring these vessels across the ocean, but the rapidity and certainty of these transfers are such as to ensure a state of the most perfect readiness everywhere and at all times; and also, a complete independence of arrangement at each particular point—the state of preparation, and the independence of arrangement, being more important than when the enemy's motions were governed by the uncertain favor of winds and weather.

It is not easy to conceive of any important properties belonging to steam batteries acting defensively, that the attacking steam-vessels may not share with them, or, at least, may not have imparted to them on their arrival at the coast; unless it should be thought proper to give to the former a greater thickness of bulwark than would be admissible in sea going vessels.

But the peculiar advantage conferred by steam lies in the facility of moving with promptitude and rapidity; and any attempts to strengthen harbor vessels, by thickening their bulwarks considerably, would undoubtedly lessen their mobility, thereby partially neutralizing the advantage sought. At the same time, it is extremely doubtful whether any benefit would be derived from the thicker sides. It is probable that the best use of bulwark for these vessels, and all others, is that which will be just protection against grape and canister shot fired from moderate distances; but with such bulwarks, a shell fired from a bomb cannon within a reasonable distance would pierce both sides; that is to say, would go in on one side of the ship and out at the opposite, producing no greater effect than a shot of the same calibre; while, with thickened sides, every shell would lodge in the timbers, and produce terrible ravages by bursting.

In the practice with these missiles in this country, it has been found difficult to lodge a shell in thin targets, even when the load of the gun is so reduced as to increase materially the uncertainty of aim. As it is probable, therefore, that the protection from solid shot afforded by massive bulwarks would be more than counterbalanced by the greater injury from shells would inflict by means of these bulwarks, we may conclude that the harbor steam-battery will not differ, in this respect, materially, from the sailing steamships; and, if they do differ in having more solid and important bulwarks, that no advantage over the enemy will result therefrom. It will come, therefore, to the same result as when considering the application of other kinds of floating force to the defence of harbors; and this result is, that there is no way of placing the coast in a condition of reasonable security by having, at any point the enemy may happen to select, a force in perfect readiness which shall be superior to that brought to the attack.

The reason of this coincidence of result is, that no peculiarity in local details can disguise the difficulties, or essentially modify the conditions, inseparable from the nature of a floating force.

Buoyancy is a condition necessary to every variety of the force; and to observe this condition, a common material must be used in each—a material that is combustible, weak, and penetrable to missiles. If the weakness and penetrability be, in part, remedied by an increase of the quantity of the material, it must be at the sacrifice of buoyancy, activity, and speed—pro

great value. If a small draught of water be desired, it can only be at the expense of that concentration of power which is a great and characteristic quality of naval armament.

It might not be strictly true to say that as much would be lost in one as would be gained in another; but, though modifications of this force, made with a view to adapt it to peculiar services, will somewhat disturb the equilibrium of the several kinds, there will still be no disparity when acting in their appropriate way; and a little superiority to the weaker party will restore the balance. None of these things, it should be observed, touch, on the one hand, the means by which injury is inflicted; nor, on the other, the susceptibility to injury: still timber structures, carrying a common armament.

The necessity of having at each point a force at least equal to the attack, will require large preparations, on any supposition. With the proper, however, with gun-boats and floating batteries, something has been done: the existing navy will be an important contribution. Vessels supplied by commerce would afford tolerable substitutes for its; and from the class of merchant ships many vessels might be put for service as floating batteries: still there will remain great efforts to be made, and great amounts to be expended, to complete the defensive.

But a reliance on steam batteries would lead to expenditure vastly greater, because, with them, all has yet to be provided. Having at present none of this kind on hand, (or next to none,) the preparation by the use of (say) twenty steam frigates would require the construction of two hundred, of equal force, on our part, supposing that we design to cover but our principal harbors, leaving all others at his mercy.

It has been shown that steam batteries cannot be substituted for shore defences. We will here add that they will, on the other hand, in certain cases, greatly increase the number of these defences, and, in other cases, augment their force. Channels which admitted only small vessels of war, and in peculiar positions, need no defence; in other positions, their defence might be safely trusted to works of moderate force. The introduction of small vessels of small draught and great power requires, however, that passages should be defended, and defended adequately.

We should not have gone so much at length into a branch of our subject, in which the general conclusions appear to be so obvious and incontrovertible, but for the prevalence of opinions which we consider, not erroneously, but highly dangerous, and which, we think, must give way to a full exhibition of the truth. We do not anticipate any formidable objections to the positions assumed, nor to the illustrations; but, even should we, in the form we have presented them, be objected to, we may still meet no opposition to the following broad propositions, namely:

If the seacoast is to be defended by naval means exclusively, the defensive force at each point deemed worthy of protection must be, at least, equal in power to the attacking force.

As, from the nature of the case, there can be no reason for expecting to be attacked on one of these points rather than on another, and no time for changing our state of preparation from one to another, after an attack has been declared, each of them must have assigned to it the requisite means;

Consequently, this system demands a power in the defence as many times greater than that in the attack as there are points to be covered.

Believing that a well digested system of fortifications will save the country from the danger attending every form of defence by naval means, and the intolerable expense of a full provision of those means, we will now endeavor to show that such a system is worthy of all reliance.

There has been but one practice among nations, as to the defence of ports and harbors; and that has been a resort to fortifications. All the experience that history exhibits is on one side only: it is the opposition of forts or other works comprehended by the term *fortification*, to attacks by vessels; and, although history affords some instances wherein this defence has not availed, we see that the resort is still the same. No nation omits covering the exposed points upon her seaboard with fortifications, nor hesitates in confiding in them.

In opposition to this mode of defence, much stress is laid on certain successful attacks that have been made by ships on works deemed strong. We have no doubt that all such results might be accounted for by circumstances independent of the naked question of relative strength; but, at any rate, when carefully considered, how little do these results prove, in comparison with numerous other instances, in which there was an immense disproportion of force in favor of vessels that have been signally defeated. These instances are those that should be received as a test of the actual result between the two kinds of force; not, certainly, because they were successful, but because the smaller the work, its armament, its garrison, the less the probability that any extraneous influence has been in operation. A single gun behind a parapet, provided its position be a fair one, and the parapet strong and proof, need, as regards its contest with ships, owe nothing else to the nature of the fortification; and its effect will be the same whether the battery were planned from the hands of the ablest engineer of the age, or were erected at the first dawn of the art. The gun is in a position to be used with effect; the men are as fully protected by the parapet as the service of the gun will allow; the men are brave and skilful, and there is nothing to prevent their doing their duty to the utmost. These are all conditions easily fulfilled, and, therefore, it is not to be so. The state of things is not less just and fair toward the vessel, who chooses her time and opportunity; the battery goes not to the ship, but the ship to the battery; taking the wind, the tide, the sea—all, as she may have them; her condition and discipline are perfect, and her crew brave, brave and adroit. Nothing, under such circumstances, can prevent the issue of battle, but some extraordinary accident—possible, indeed, to the attacking party, but easily recognised when occurring.

The contest between larger works and heavy squadrons may be a more complicated affair; the cause of disaster to the former being more traceable to potent, though not always obvious, influences. The fortifications may have been absurdly planned originally, or badly executed; there has at all times been in this profession, as in others, much scope for quackery—they may have been erected at a time when the state of the war, against which they were provided, were very different things from the lofty line-of-battle ships of modern times—a long peace, or long inactivity may have left them in a state wholly unprepared for the sudden use of their strength—the command may have been intrusted to persons ignorant of the amount of power in their hands, and of the mode of exercising it—the garrison may have been undisciplined or mutinous—the populace may have been contented or disloyal—the clamor of frightened citizens may have caused a premature surrender: all these, or any of them, may have produced the issue, leaving the question of relative power untouched.

there can be no doubt that these and other deteriorating influences occasionally operated to the prejudice of fortifications, and that they are likely to be more numerous and more controlling as the works are extensive, it is certain that there can be no influence acting in the opposite direction upon them; that is to say, none making them stronger or more efficient than they ought to be. There can be no favorable influence of such a nature, for example, as to make the simple one-gun battery mentioned equivalent to a battery (say) ten times as large.

It must not be supposed, from what we have said in relation to larger fortifications, that their magnitude necessarily involves imperfection or weakness; nor, because we have considered small and simple works as affording the best solution to the question of relative force, must it be inferred that all works are suited to all circumstances. We speak here in reference to the judgment we are entitled to form of the relative power of antagonist forces, from their contests, as exhibited in history. In the case of the latter sort, there cannot, from the nature of the case, be any undue influence operating, of which we are ignorant, or for which we make due allowances; while, in examples of the former kind, we are often in the dark as to many vital matters.

These observations have been deemed necessary, because, in judging of the relative power of fortifications, it might not be so obvious that certain brilliant and striking examples should not be adopted as affording the true test of relative power. It would be more natural to turn to Copenhagen and Algiers, as indicating the true power of the power lies, than to Charleston and Stonington; and yet these are the indices, would be true, and the former false.

We will now turn to certain examples:

The name of Martello tower was adopted in consequence of the good service made by a small round tower in the Bay of Martello, in Corsica, in 1794, which, although armed with one heavy gun only, beat off two British ships of war, without sustaining any material injury from them. But this circumstance ought merely to have proved the superiority of such guns on shore must always, in certain situations, possess over the ships of war. That this is a just decision, will perhaps be readily allowed by all who are acquainted with the following equally remarkable, but less generally known fact, which occurred about twelve years afterwards, in the same part of the world.*

On the 1st of May, 1806, the *Pompée*, an eighty-gun ship, the *Hydra*, of eighty guns, Captain Manby, and another frigate, anchored about two hundred yards from a battery of two guns, situated on the extremity of the island of Licos, and protected from assault by a tower in which were fifty French soldiers, commanded by a lieutenant.

The line of battle ship and the frigates fired successive broadsides till their ammunition was nearly expended; the battery continually replying with a slow but destructive effect. The *Pompée*, at which ship alone it directed its fire, had forty shot in her hull; her mizen topmast carried away; her mainmast, midshipman, and five men killed, and thirty men wounded. As the force proving ineffectual, negotiation was resorted to, and, after a short parley, the officer, a Corsican, and relative of Napoleon, capitulated. It then appeared that the carriage of one of the two guns had failed

* Pasley's Course, vol. iii.

on the second shot, and the gun had subsequently been fired lyi
sill of the embrasure : so that, in fact, the attack of an eighty-gun
two frigates had been resisted by a single piece of ordnance." (J
Sieges, by Col. John T. Jones.)

"The Corsican tower above mentioned, which had, in like man
pletely baffled a naval cannonade, was very soon found to surren
attacked by land ; not, however, before a small battery had b
[crected] to reduce it." (*Pasley's Course*, vol. iii.)

Here are two examples :

1st. A single heavy gun, mounted on a tower, beat off one or t
ships.

2d. A barbette battery, containing two guns, beat off a British e
ship, supported by two frigates.

It would seem that no exception can possibly be taken to either
as trials of relative power. There is no complication of circum
one side or the other ; nothing to confuse or mislead ; all is per
ple and plain. A small body of artillery, judiciously posted on
is attacked by armed vessels bearing forty or fifty times as many
the ships, unable to produce any effect of consequence, are beaten
loss.

The cases present no peculiar advantage on the side of the
either as regards position or quality ; for both works were imm
duced by a land attack ; that which the eighty-gun ship and tw
were unable to effect, being immediately accomplished by landing
pieces, with a very small portion of the crew of one of the vessel

On the other hand, there was no peculiar disadvantage on the
ships, as the time and mode of attack were of their own choice.

In order that there might be no unjust disparagement of the
the manner of representing the affairs, the language of British mil
ters (the ships being British) has been exactly quoted. (See *Pasley*
of *Elementary Fortifications*, vol. iii ; and *Journal of Sieges*, by Col
T. Jones.)

Had the representation of these actions been taken from the
party, the result would have appeared still more to the disadvant
ships.

The circumstances attending the attack and defence of Copen
April, 1801, seem to have been the following :

On the northeast side of the city, (the only side exposed to all
heavy ships,) there lies a shoal spreading outward from the walls, ab
quarters of a mile in the narrowest part. Through this shoal th
in a northeast-and-by-north direction, a narrow channel, comm
basin, in the heart of the city, with deep water. Were it not for
vessels might approach even to the walls of the city, on a length of
and a half mile ; as it is, they can get no nearer, in any place, than ab
quarters of a mile, without following the channel just mentioned
edge of the shoal lies nearly north and south, and the channel pass
it in a northeast-by-north direction, the great mass of the sho
southward, or on the right-hand side of the channel. We will
the southern shoal. The "Three-crown battery" is situated
southern shoal, and near the channel.

The Danish defences consisted—

Of the fortifications on this side of the city, including the Three-battery, Nelson estimated the batteries supporting the Danish vessels about ninety guns.

Of four sail of the line, mounting 282 guns, and one frigate and two, mounting 76 guns; making 358 guns. All these vessels lying in channel before mentioned, and some of them near its mouth; they covered the left of the Danish floating defences, and were thus posted to the entrance to the inner harbor or basin.

Of a line of floating defences, of various kinds, moored near the edge of the southern shoal. They were eighteen in number, as follows, counted from the right or southern extremity: 1st, a block-ship of 56 guns; 2d, a ship of 48 guns; 3d, a praam of 20 guns; 4th, a praam of 20 guns; 5th, a block-ship of 48 guns; 6th, a raft of 20 guns; 7th, a block-ship of 22 guns; 8th, a raft of 20 guns; 9th, a block-ship of 62 guns; 10th, a small ship of 6 guns; 11th, a raft of 24 guns; 12th, a praam of 20 guns; 13th, a ship of the line of 74 guns; 14th, a block-ship of 26 guns; 15th, a raft of 20 guns; 16th, a ship of the line of 60 guns; 17th, a block-ship of 64 guns; 18th, a "frigate" of 20 guns: total in this line 628 guns. These were moored in a line extending south from a point outside and to the southward of the Three-crown battery; and the part of the line nearest the walls was not less than three quarters of a mile distant.

Lord Nelson carried to the attack the Elephant, 74 guns; Defiance, 74; Monarch, 74; Bellona, 74; Edgar, 74; Russell, 74; Ganges, 74; Glutton, 50; Agamemnon, 64; Polyphemus, 74; Ardent, 64; Amazon, 38; Blanche, 38; Alcmena, 32; Dart, 30; Arrow, 18; Cruiser, 18; Zephyr, 14; Otter, 14; Discovery, 16; Sulphur, 10; Explosion, 8; Zebra, 16; Terror, 10; Volcano, 8: making a total of 1,074 guns, besides a few in gun-boats. The Agamemnon did not come into action; which reduces the force employed to 1,010 guns. The Monarch and Russell grounded; but Lord Nelson says, "although not in action assigned them, yet they were so placed as to be of good service."

With this force Lord Nelson engaged the line of floating defences that were moored near the edge of the southern shoal. He approached from the north with a fair wind; and as his leading vessel got abreast of the most advanced of the Danish line, she anchored by the stern. The second English vessel passed on until she had reached the next position, when she anchored, also, in the same way; and thus, inverting his line as he extended it, he brought his whole force against the outer and southern part of the Danish force. His line did not reach as far northward as the Three-crown battery, and mouth of the channel; for he says, in speaking of the grounding of the Bellona, Russell, and Agamemnon: "These accidents retarded the extension of our line by the three ships before mentioned, would, I am confident, have silenced the Crown islands, (Three-crown islands,) the outer ships in the harbor's mouth, and prevented the heavy ships, the Defiance and Monarch."

Concentrating, as he did, the force of 1,010 guns upon a portion of the Danish array, not only inferior to him by 382 guns, but so situated as to be out of the scope of succor, and without a chance of escape, Lord Nelson has no reason to doubt that signal success would crown his able arrangements.

Every vessel in this outer Danish line was taken or destroyed,

except one or two smaller vessels, which cut and ran in under shell fortifications.

The vessels lying in the narrow channel could participate in a small degree, in the action, because the British line did not reach them; and because, not being advanced beyond the general distance of the Danish line, but, on the contrary, retired behind it, they could not fire upon any of the British vessels—except, perhaps, obliquely upon two of the most northern ships. But, had all the Danish vessels that were in the narrow channel been mingled, from the first, with the line destroyed, the result would probably have been still more to the advantage of the assailants: that is to say, these vessels, also, would have been captured or destroyed; because, not only would the aggregate Danish force of 986 guns have been inferior to the 1,010 guns of the British, but also, have been without the ability to counteract the power of concentration possessed by the latter, whereby the whole force would have acted as one of the Danish line in succession.

For the same reason that the squadron which lay in the narrow channel could not materially aid in resisting the attack made on the line of defences anchored along the edge of the shoal, the action of the 'Three crown' battery, and the guns on the shore, must have been greatly impeded. Situated *upon the shoal*, the Three crown battery was *behind* the line, which consequently masked it, and also the shore batteries from the view of the English line. Under such circumstances, it is not conceivable that the batteries could be used with effect; and the commandant of the Danish forces says, expressly, that the Three-crown battery "*did not at all into action*;" and a chronicler of the times states that the batteries of the town "*were of no service while the action lasted; they did not fire when the enemy took possession of the abandoned ships, but only at the same time that the parley appeared.*" In proportion as the Danish vessels passed into the hands of the English, as some were captured and others blown up, the scope of the batteries would enlarge, and their effect be felt; but, just as all impediment of this sort had been removed, Lord Nelson himself proposed the cessation of hostilities, and the action terminated. It might be profitable to discuss the probable consequences of a continuance of the action; to inquire why it was that Lord Nelson, after having conquered two-thirds of the 986 floating guns opposed to him, did not press his advantage, and concentrate his 1,010 guns upon the 358 guns which were all that remained of the floating defences of the Danes, especially as the wind was in favor of such a manœuvre. But having already devoted too much space to this particular contest, we will suppose some other policy, perhaps of humanity, induced him to close the contest, after the severe blow he had already inflicted, and the commanding position enabled him to assume, for such a termination of the pending negotiation, the interest or policy of Great Britain demanded.

It is important, however, yet to notice, that, as soon as the action opened, Lord Nelson's vessels passed out of the reach of the 'Three crown' battery, as fast as they could be withdrawn. Lord Nelson himself says that this battery was not silenced.

A British writer, speaking of this crisis, says: "It must not, however, be concealed that Lord Nelson, at the time he dictated this note to me, was placed in rather awkward and difficult circumstances: the shore batteries, as well as the ships which were stationed at the mouth of

still unconquered ; two of his own vessels were aground, and exposed to heavy fire ; others, if the battle continued, might be exposed to the same ; while he found it would be scarcely practicable to bring off the ships under the fire of the batteries. These considerations, undoubtedly, influenced him in resolving to endeavor to put a stop to hostilities, in accordance with the instructions he had to spare the Danes, and the respect he felt for their brave defence." (Campbell's Naval History, vol. i.)

The circumstances above detailed show, clearly—

1. That the battle of Copenhagen was fought between an English fleet, mounting 1,010 guns, and a Danish line of floating defences, mounting 628 guns, and that all the latter were conquered.

2. That the Danish line was attacked in such a manner, that none of the batteries in the system of defence could participate in the contest, and the action carried on up to the surrender of the Danish line, almost exclusively between vessels. It appears that a few of the smaller vessels, under the command of the admiral, occupying the northern extremity of the English line, were destroyed by the fire of the 'Three-crown' battery. The loss being very severe, he was obliged to retreat.

3. That, as soon as the batteries were unmasked and began to act, the action was closed, by Lord Nelson opening a parley.

4. That, consequently, it was in no sense a contest between ships and batteries, or a triumph of ships over batteries, and affords no ground for estimating their relative power.

5. That it illustrates, strikingly, the advantage that a fleet possesses over a line of floating defences. Lord Nelson was superior to the Danish fleet, his adversary's floating force ; but not being disposed to run any unnecessary hazard, he directed all his force upon a part of the Danish line, and, of course, defeated ; and had there been no other than a floating battery, so, of course, would have been the remainder, had it been of equal strength it was. This example fully confirms what we have before said on this topic.

6. That, stating the respective forces above, we have set down the vessels of the Danish fleet at their rate : that is to say, a ship called a seventy-four, we mean armed at 74 guns.

7. That we proceed to examine a great instance of naval success, in which there is no room to doubt the extent to which fortifications were engaged ; and which is the attack on Algiers in 1816.

8. That the attack was made by the combined English and Dutch fleets, mounting more than one thousand guns, under the command of Lord Exmouth.

9. That the fortifications that looked towards the water, there are enumerated and supposed to be authentic, 320 guns ; but not more than 200 of which acted upon the fleet as it lay. The ratio of the forces engaged, as expressed by the number of guns, (saying nothing of the calibres, we know nothing,) was about as 5 to 2. The action continued from the morning before three until nine, without intermission, and did not cease until half-past eleven.

10. That it is very certain that the effects of the fire upon the Algerine shipping were very severe, because we know that all the shipping was destroyed, excepting some small vessels ; and we know, also, that Lord Exmouth dictated the terms of the treaty that followed.

Honorable as this result was to the combined fleets, and happy as it was for the cause of humanity, there are, nevertheless, technical circumstances connected with it, that excite doubts as to how much of the final result was due to physical chastisement, to moral effect, to inherent defects in the defences, and to ignorance in the use of these defences, such as they were. That the loss in killed and wounded in the city and works was great, is probable, because we are informed that a very great addition had been made to the garrison, in preparation for the attack, under some impression, no doubt, that a landing would be attempted. For the service of the guns there were needed but 3,000 or 4,000 men, at the utmost. An accumulation beyond that number would add nothing to the vigor of the defence, while, by causing an increase of the casualties, it would heighten the terrors of the combat. The depressing effect of this loss of life in the batteries, and of the burning of buildings within the town, and about the mole, was of course increased by the entire destruction of the Alger fleet, anchored within the mole.

We have no means of judging of the actual condition of the works, nor of their fitness for the task of contending with the heavy ships of modern times.

The forts and batteries on the shore were probably too elevated to be commanded even by the largest of the assailing ships; and, provided the guns were covered with a proof parapet, they may be regarded as being well situated.

But more than half of the guns engaged were in the Mole-head battery, and the mode of attack adopted, especially by the Queen Charlotte, of 24 guns, was calculated to test, in the severest manner, the principles on which this work had been planned. She so placed herself within "fifty yards" of the extremity of this battery, that she could either rake, or take the reverse, every part of it. If she, at the same time, commanded the battery—that is to say, if, from her spar-deck, she could look down upon its platform—then she must, at once, with her grape and canister, have driven the garrison from that platform, leaving only the lower and covered tier of guns, if there were such a tier, for service. With our imperfect knowledge of the fortifications, all this must, however, be left to conjecture.

But there are matters connected with the service of the batteries, which are not conjecture. Not a shot was fired until the Queen Charlotte was anchored.

What a different vessel, when she anchored, might not this ship have been, if the Mole-head battery had employed its fire of more than 200 guns in raking her, from the time she arrived within a mile and a half until she had anchored within fifty yards? How different might have been the condition of the fleet, generally, if they had been subjected during the approach, and while assuming their stations, to the raking of all the 200 guns?

It does not appear that a single hot shot was fired from the batteries.

We might almost rest on this fact; and assert that a defence which failed to provide itself with this auxiliary means, must have been carried on in disregard, if not in violation, of all rules, all knowledge, and all experience; that it was probably without plan or combination, and, not probable, without preparation in other particulars of importance still inferior.

leaving this example, it may be well to inquire what, after all, the effect of these batteries upon the ships, compared with the effect upon ships.

In the battle of the Nile, the French fleet, rated at 1,190 guns, caused a loss to Nelson's fleet of 895 killed and wounded; which is in the proportion of ten French guns to less than eight Englishmen killed and wounded. In the battle of Trafalgar the French fleet carried not less than 3,000 guns, and caused a loss to the English of 1,587 killed and wounded; which is in the proportion of ten guns to less than six killed and wounded. In the attack on Algiers, with a force not exceeding 200 guns, the batteries caused a loss of 883 killed and wounded, being in the proportion of 10 guns to 44 men; and, if we take into account every gun that was pointed into the bay, (say 350 guns,) the proportion will be 10 guns to 25 men; an effect more than three times as great as that produced by the ships at the battle of the Nile, and more than four times as great as that produced by the ships of the same nation at Trafalgar.

On reflecting on the circumstances of this battle, the mind is not filled with any reasons that present themselves for the withdrawal of Lord Exmouth, the moment the land wind enabled him to do so. On the occasion of entire success on his part, it is not understood why he should feel the great anxiety he states himself to have been under, that Providence should spring up. "Providence at this interval," (between 10 and 11 at night,) "gave to my anxious wishes the usual land wind, coming from this bay; and my expectations were completed. We were all hands engaged in warping and towing off, and, by the help of the light air, the ships were under sail, and came to anchor out of the reach of shells, in the morning, after twelve hours of incessant labor."

If, in any thing had been decided by the action, it must have been in favor of two things: either the ships were victorious, or the batteries were. If the ships were completely victorious, it would seem to have been unadvisable for them to remain where they were, in order, if there was any more fighting, to be ready to press their advantage; and, especially in order to maintain the ascendancy, by preventing the remounting of the batteries, and resupplying them with munitions, &c.

The people possessed the inflexibility report ascribed to the Dey, and they set zealously about the work of preparation for a new contest, it would not have been easy for Lord Exmouth, in the condition to which his ships were reduced, to have been able to meet the demands. It is not understood, therefore, why, if he had been successful as to be certain that his end was attained, he should be so anxious to get out of gunshot, when, by so doing, he involved the issue in more or less doubt and hazard.

On reflecting on the effects produced on the people by his dreadful cannonade, the result proves that he was right; but his anxiety to clear the city from the contest shows that there was a power still unconquered, and he thought it better to leave to be restrained by the suffering population of the city, than keep in a state of exasperation and activity by his own. What was this power, but an unsubdued energy in the batteries? The true solution of the question is, then, not so much the amount of injury done on the one side or the other—particularly as there was, on the one side, a city to suffer, as well as the batteries—as the relative efficiency of the batteries when the battle closed at about eleven o'clock. All political

agitation and popular clamor aside, what would have the fight been continued, or even had Lord Exmouth been in the morning?

These are questions that can be answered only on the manner the battle ended certainly leaves room for much to be said. Had the subsequent demands of Lord Exmouth been within his power to enforce them by his ships: whether, indeed, after the fight, he would not have been signally defeated.

On the whole, we do not think that this battle, although eminent as an example of naval success over batteries, tends to shake the confidence which fortifications, well planned, and well fought, deserve, as the defences of a

Gibraltar.

The attack on the water batteries of Gibraltar in September 1782, against French and Spanish floating batteries, is a well-known instance of the use of guns on shore.

These floating batteries had been rendered, as was the case with the Spanish, and shell-proof, by several additional thicknesses of timber, and by covering the decks with a roof of sloping timbers.

They mounted 142 guns on the engaged side, with the exception of any that might be dismounted. They were anchored at about 1,000 yards from the walls, and were opposed to the shore batteries.

After a protracted cannonade, nine of the floating batteries were disabled by hot shot from the shore; and the tenth, having been disabled by the victors, was set on fire by them.

No material injury was done to the works of the town. Only eighty-five men and officers were killed and wounded on the British vessels, together with a very violent cannonade from the siege batteries.

Battle of Algeiras.

On the 6th July, 1801, the French Admiral Linois was off the town of Algeiras with two ships of 80 guns, and one frigate. To the south of him, on a small island, was the Green-island battery, mounting seven 18 and 24-pounders. To the north of him, on the main, another battery, called St. Catherine, mounting five 18-pounders. There were, besides, four boats anchored near: making a total of 306 guns against the French battery—altogether, 318 guns.

Sir James Saumarez, hearing that Linois was in this position, sent him from Cadiz with two ships of 80 guns, one frigate, and a lugger: in all, 502 guns. On his approach, the French admiral anchored in a line nearly north and south, at some distance from the shore, and cut his cables and ran into shoal water, to prevent being cut by the British line: this manœuvre, at the same time, enabled him to bring to bear the fire of the batteries.

The Hannibal, one of the British 74's, in attempting to cut the French admiral, touched the ground, and could not be moved. She, however, continued the fight with great obstinacy, even for

after she was deserted by her consorts. Not being able to double upon the French line, an attempt was made to assault the Green-isle battery, which, being badly served by the Spaniards, had nearly ceased firing. But this attempt was anticipated by the arrival at the island of a party sent from the French frigate lying near; and the assault was defeated, with the loss to the English of one boat sunk and another taken: the Frenchmen renewing with vigor the fire of the battery. At the north end of the line, the French admiral was aided by seven gun-boats, which took so active a part in the fight that five of them were sunk or rendered unserviceable. The St. Jacques battery being, however, served sluggishly by the Spaniards, the French sent a party from the Dessaix to impart greater activity and effect.

After the combat had continued about six hours, the British squadron drew off, greatly damaged, leaving the Hannibal 74 alone and aground; and she, after suffering great loss, was obliged to strike. The French insist that the *Pompée*, an English ship of 80 guns, had struck her colors; but, as they could not take possession, she drifted off and was then towed away: it is believed she was entirely dismasted.

We do not know the loss in the French squadron, but the killed, wounded, and missing, in the English fleet, amounted to 375 men; being more than twelve men for every ten guns against them, and being twice as great, in proportion, as the English loss in the battle of Trafalgar.

In this battle of Algesiras, there were 502 English guns afloat, acting against 306 French guns afloat. As the English chose their own time for the attack, and had the wind, it is only reasonable to suppose that 306 of the English guns were a match for the 306 guns in the French vessels. This will leave 196 English guns afloat, opposed to the 12 guns in the batteries; or, reckoning one side only of each ship, it shows 98 guns in the British fleet to have been overmatched by the twelve guns in the batteries.

There never was a more signal and complete discomfiture; and it will admit of no other explanation than that just given, namely, that the two small batteries, one of 5 and the other of 7 guns, partly 18 and partly 24-pounders, more than compensated for the difference in favor of the British fleet of 196 guns.

The Hannibal got aground, it is true; but she continued to use her guns, with the best effect, until she surrendered; and, even on the supposition that this ship was useless after she grounded, the British had still an excess of 122 guns over the French fleet and batteries.

These batteries were well placed, and probably well planned and constructed, but there was nothing extraordinary about them; their condition before the fight was complained of by Admiral Lenois; and they were badly fought in the early part of the action: still the 12 guns on shore were found to be more than equivalent for two seventy-fours and one frigate.

Battle of Fuenterrabia.

This recent affair introduces steam batteries to our notice.

On the 11th July, 1836, six armed steamers, together with two British and several Spanish gun-boats, attacked the little town of Fuenterrabia. The place is surrounded only by an old wall; and two guns of small calibre, to which, on the evening of the attack, a third gun of larger calibre was added, formed the entire of its artillery. The squadron cannonaded this place

during a whole day, and effected absolutely nothing beyond unroofing : demolishing a few poor and paltry houses, not worth, perhaps, the ammunition wasted in the attack. What may have been the number of guns : weight of metal which the assailants brought, is unknown ; though the superiority, independent of the superior weight of metal, must have been least ten to one : but not the slightest military result was obtained. (*United Service Journal*, August, 1836, page 531.)

We will now turn to affairs of a similar character on our own coast.

In June, 1776, Sir Peter Parker, commanding a squadron of two ships of 50 guns, four of 28 guns, two of 20 guns, and a bomb-ketch—in all (according to their rate) 252 guns—attacked Fort Moultrie, in Charleston harbor, South Carolina.

It is stated that the fort mounted “about thirty pieces of heavy artillery. Three of the smaller vessels were aground for a time during the action, and one of them could not be floated off, and was in consequence burnt by the English. Deducting this vessel as not contributing to the attack, and supposing that the other two were engaged but half the time, the English force may be estimated at 200 guns ; or, reckoning one broadside as at 100 guns against 30 guns.

The English were defeated with great loss of life, and injury to the vessels ; while the fort suffered in no material degree, and lost but 30 men. The killed and wounded in the squadron were reported by the commodore to be 205 ; being for every 10 guns employed against them more than one man killed and wounded—a loss more than eleven times as great, in proportion to the opposing force, as the loss at the battle of Trafalgar.

In September, 1814, a squadron of small vessels, consisting of two ships and two brigs, mounting about 90 guns, attacked Fort Boyer, at the mouth of Mobile bay. A false attack was at the same time made by a party of marines, artillery, and Indians, on the land side. The fort was very small and could not have mounted more than 20 guns on all sides, nor more than 15 guns on the water fronts. The action continued between two and three hours, when one of the ships, being so injured as to be unmanageable, drifted ashore under the guns, and was abandoned and burnt by the English ; the other vessels retreated, after suffering severely. There were ten men killed and wounded in the fort ; the loss on the other part is not known.

The affair of Stonington, during the last war, affords another instance of successful defence by a battery. In this case there were only two guns (18-pounders,) in a battery which was only three feet high, and without embrasures. The battery, being manned exclusively by citizen volunteers from the town, repelled a persevering attack of a sloop of war, causing serious loss and damage, but suffering none.

The only other instance we will adduce is that of the late attack on the castle of St. Juan de Ulloa. Having before us a plan of this work, made at the spot, after the surrender, by a French engineer officer who was one of the expedition ; having, also, his official account of the affair, as well as narratives by several eye-witnesses, we can fully understand the circumstances attending the operations, and are liable to no material errors.

On the 27th of November, 1838, Admiral Baudin anchored at the distance of about seven-eighths of a mile in a northeast direction from the castle, with the frigates *La Néréide*, of 52 guns, *La Gloire*, of 52 guns, and *L'Iphegénie*, of 60 guns ; and, after being a short time in action, he was joined by *La Créole*, of 24 guns : in all 188 guns, according to the rate

ips. In a position nearly north from the castle, and at a distance of less than a mile, two bomb-ketches, carrying each two large mortars, were engaged. The wind being adverse, all the vessels were towed into position by two armed steamboats belonging to the squadron. "It was lucky," says the reporter, "that the Mexicans did not disturb this operation, which lasted near two hours, and that they permitted us to commence the bombardment." He further says: "We were exposed to the fire of one 24 pounder, five 12-pounders, seven 12-pounders, one 8-pounder, and five 18-pounder batteries: in all, 19 pieces *only*." In order the better to judge of these forces, we will convert them, in proportion to the weight of balls, into 24-pounders; and we find these 19 guns equivalent to less than 12 guns of the same calibre. But we must remark, that, although this simplifies the estimation of force, it presents it greatly exaggerated; it represents, for example, five 8-pounders as equivalent to one 24 pounder; whereas, at the distance at which the parties were engaged (an efficient distance for a 24-pounder) the 8-pounders would be nearly harmless. It represents also the 18 pounder batteries as possessing each three-fourths the power of a long 24-pounder; whereas, at that distance, they would not be better than the 8-pounders, or even the 6-pounders. Although the above estimate of the force of the batteries is too low by full one-third, we will, nevertheless, let it stand as representing the actual force.

There were, then, twelve 24-pounders engaged against 94 guns (estimated at one broadside only of each ship) and 4 sea-mortars. During the action, a shell caused the magazine in the cavalier to explode, whereby five of the nineteen guns were destroyed, reducing the force to about ten 24-pounders.

Considering the manner in which this work was defended, it would not have been surprising if the ships had prevailed by mere dint of their guns; but the author states, expressly, that though the accident just mentioned completely extinguished the fire of the cavalier, still "the greater part of the 24-pounder pieces which could see the ships, to the number of sixteen, continued to fire till the end of the action." They were not dismounted, therefore, and the loss of life at them could not have been great. What, then, was the cause of the surrender of the castle?

It has been said of the great use, made by the ships, of horizontal fire, or shells fired at low angles, from large guns; and it is a prevailing opinion that the work was torn to pieces, or greatly dilapidated, by these missiles.

This engineer officer states that, on visiting the castle after the capture, he found "it had been more injured by the French balls and shells than he had expected; still the casemates in the curtains, serving as barriers for the troops, were intact." "Of 187 guns found in the fort, 102 were serviceable; 29 only had been dismounted by the French fire. The greatest injury was sustained by the cavalier" (where a magazine exploded in battery No. 2; in battery No. 5," (where another magazine was blown up.) "the officers' quarters." They found in the castle 25 men whose wounds were too severe to permit their removal with the rest of the garrison.

Of the 29 guns dismounted, 5 were thrown down with the cavalier; the remaining 24 guns were no doubt situated in parts of the work opposite the point of attack, being pointed in other directions; and were struck by shots which had passed over the walls facing the ships. There is reason to believe that, of the remaining 16 guns pointed at the French, none were dismounted; and we know that most of them continued to fire till the end of the action.

The two explosions *may*, certainly, have been caused by shells fired at low angles from Paixhan guns. But it is much more likely they were caused by shells from the sea-mortars, because these last were much larger and therefore more likely to break through the masonry ; because, being fired at high angles, they would fall vertically upon the magazines, which were less protected on the top than on the sides ; and because there were more of these large shells fired, than of the small ones, in the ratio of 302 to 117.

But, considering that the cannonade and bombardment lasted about six hours, and that 8,250 shot and shells were fired by the French, it is extraordinary that there were no more than two explosions of magazines, and that no greater injury was done the fort ; since it is certain that there were no less than six other similar magazines situated on the rampart, in different parts of the work, not one of which was shell-proof. The surrender, after these explosions, was a very natural event, with a governor and garrison who seem to have known as little about the proper preparation for such contests as about the mode of conducting them. The second explosion must have satisfied them, if the first did not, that they had introduced within their own precincts much more formidable means of destruction than any it was in the power of the French to send from gun or mortar.

The important points to be noticed in this contest are these :

1st. The French took such a position that their 94 guns were opposed by the equivalent of 10 or 12 guns only.

2d. In proof of the inefficiency of the Mexican guns generally, it may be stated, that, although the three French frigates were struck in their hulls about three hundred times, they lost but thirty-three men in killed and wounded. The *Iphigénie* was hulled 160 times, and yet had but thirteen men hurt ; very few, therefore, of these 160 balls could have passed through her sides.

3d. It appears that very few, if any, of the guns exposed to the direct action of the French broadsides were dismounted or silenced by their fire.

4th. The narratives of the day contain exaggerated statements of injury inflicted on the walls by shells fired from guns ; the professional report, as quoted, of the chief engineer of the expedition, neither speaks of, nor alludes to, any such injury. After deducting from the parts of the work said to be most injured—the cavalier, and also battery No. 5, in each of which a magazine exploded—there remain, as having suffered most, the quarters of the officers and bastion No. 2. As to the first, if it was elevated above the walls (as is probable) it would of course suffer severely ; because the walls of magazines, barracks, or quarters, are never made of a thickness to resist shot or shells of any kind ; and if not elevated above the walls, but covered by them, the injury resulted most probably from shells fired at high angles from the sea-mortars, and not from shells fired nearly horizontally from the Paixhan guns. Whether the injury sustained by bastion No. 2 was the effect of shot and shells upon the face of the walls, or of shells falling vertically within the bastion, is not stated ; it was probably due in part to both. If there had been any extraordinary damage done by the horizontal shells, we may reasonably suppose special mention would have been made of it, because it was the first time that this missile had been tried, in a large way, in actual warfare. That any thing like a breach could have been effected with solid shot at that distance, and in that time, we know to be impossible ; but it is neither unreasonable to suppose, nor unlikely, that many of the heavy vertical shells may have fallen in the bastion and caused much injury. Whatever may

been the cause of the damage, or its amount, it did not, we have no reason to believe, extinguish the fire of any of the five 16-pounders were pointed from the bastion against the ships.

1. So far as effects were produced by the direct action of the French gunnery, whether guns, bomb-cannon, or sea-mortars, it does not appear here was the slightest reason for the submission of the fort. There is doubt that the 8,250 shot and shells fired at the castle must have largely marred the surface of the walls; and it is not unlikely that three or four striking near each other may have made deep indentations—especially where the stone is soft, beyond any material applied to building in any part of the United States; but these are not injuries of material consequence, however they may appear to the inexperienced eye; and we should risk little in assuming, that, abstracting the effects of the explosion, the castle was as formidable to assault, after the cannonade, as before it; that, so far as respects the levelling of obstacles lying in the way of a sword-in-hand attack, 8,250 shot and shells might as well have been fired in the opposite direction.

2. The explosion, however, of two deposits of powder in the castle, of which is reported to have buried sixty men in its ruins,) showed the defenders that, although they might evade the vertical fire, and their bodies might cover them from the horizontal fire, of the French, there was no protection against, no evasion of, the dreadful ravages of exploding magazines. With this ruin around them, and a six-fold greater ruin likely, at any moment, to burst upon their heads, it is not surprising that a garrison, found in circumstances so unmilitary, doubted their power of prolonged resistance.

3. It must be borne in mind that these explosions have nothing to do with the question of relative strength, or with the peculiarities of the method of attack. No defences, with such management, can be effective; and an attack can fail. The French, not dreaming of such culpable, such inexcusable negligence, on a point always receiving the most careful attention, entered upon the cannonade with no other purpose, as is avowed, than that of somewhat weakening the defences, and dispiriting and fatiguing the garrison, before proceeding to an assault which was to have followed next night, and for which all preparations had been made. Had the Mexicans thrown all the powder of these eight magazines into the sea, or had they transported it to their barracks, and every man, making a pillow of a gun, slept through the whole cannonade (as might have been done safely) in their quarters in the curtain casemates, the castle of St. Juan de Ulloa, we doubt not, have been as competent to resist the projected assault, as it was when the French first arrived before it.

4. The number of killed and wounded in the French vessels, in proportion to the guns acting against them, was, for ten guns, more than twenty-seven men—being upwards of four times as great as the loss sustained by the English at the battle of Trafalgar.

In concluding this reference to facts in military history, we will add, that we do not see how it is possible to avoid making the following deduction, namely: that fixed batteries upon the shore are capable of resisting the attacks of ships, even when the armament of the latter is by far the most numerous and heavy.

There are several reasons for this capacity in batteries, of which the principal may be thus stated; and these reasons apply to vessels of every

size and every sort—to small or large—to vessels moved by wind or steam. The ship is everywhere equally vulnerable ; and, large as is her hull, her men and the guns are very much concentrated within her : on the one hand, in the properly constructed battery, it is only the gun itself, a small part of the carriage, and now and then a head or an arm raised above the parapet, that can be hurt : the ratio of the exposed surfaces being not less than fifteen or twenty to one. Next, there is always more or less motion in the water, so that the ship gun, although it may have been pointed accurately one moment, at the next will be thrown entirely away from the object, even when the motion in the vessel is too small to be otherwise noticed ; whereas in the battery, the gun will be fired just as it is pointed, and the motion of the ship will merely vary to the extent of a few inches, or at most two or three feet, the spot in which the shot is to be received. In the ship, moreover, are, besides, many points exposed, that may be called vital points. By striking her rudder, or portions of her rigging or of her spars, she may become unmanageable, and unable to use her strength ; she may receive shot under water, and be liable to sink ; she may receive hot shot, and be set on fire, and these damages are in addition to those of having her guns dismounted and her people killed, by the shot which pierce her sides and scatter splinters from her timbers ; while the risks of the battery are confined to those mentioned above, namely, the risk that the gun, the carriage, or the magazine may be struck. That the magazines should be exposed, as were those of the castle St. Juan de Ulloa, must never be anticipated as possible.

While on this part of our subject, it is proper to advert to the use of horizontal shells, or hollow shot, or Paixhan's shells, (as they are variously called ;) it having been argued that the introduction of these missiles is calculated to impair the utility of fortifications as a defence of the seacoast.

We fully believe that the free use of these shells will have an influence of some importance on the relative force of ship and battery ; but that influence must be the very reverse of such predictions. How are the batteries to be affected by them ? It can be but in two ways : first, the gun having been pointed so as to strike a vital point—that is to say, a part of the carriage—the shell may explode at the instant of contact. This explosion may possibly happen thus opportunely, but it would happen against all chances ; and if happening, would probably do no more than add a few names to the list of killed and wounded. For reasons that will soon appear, it can be doubted whether the probability of dismounting the gun would be so great as if the missile were a solid 32-pounder shot. Secondly, if it be not dismounting the guns, or killing the garrison, the effects anticipated from these missiles must result from the injury they do the battery itself. Now we are perfectly informed, by military experience, as to the effects of these shells upon forts and batteries ; for the shells are not new, although the gun may be so—the 8-inch and the 10-inch shells having always been supplied in abundance to every siege-train, and being perfectly understood, both as to their effects and the mode of using them.

Were it a thing easily done, the blowing away of the parapets of a work (a very desirable result to the attacking party) would be a common incident in the attacks of fortifications ; but the history of attacks by land or water affords no such instance. The only practicable way yet discovered of demolishing a fortification, being by attaching a miner to the bottom of the wall ; or by dint of solid shot and heavy charges, fired unremittingly, during a long succession of hours upon the same part of the wall, in order

to break through it, but to break through it in such a manner that the impact and pressure of the incumbent mass may throw large portions of it all prostrate. This, the shortest and best way of breaching a wall, requires, in the first place, perfect accuracy of direction; because the number of shots, that, being distributed over the expanse of a wall, would merely peel off the face, would, if concentrated in a single deep cut, be sufficient to throw the wall to fall; and it requires, moreover, great power of penetration in the missile—the charge of a breaching gun being, for that reason, one-third greater than the common service charges. Now, the requisite precision of firing for this effect is wholly unattainable in vessels, whether the shot be solid or hollow; and if it were attainable, hollow shot would be entirely useless for the purpose, because *every one of them would break to pieces against the wall*, even when fired with a charge much less than the common service charge. This is no newly discovered fact; it is neither new nor doubtful. Every hollow shot thrown against the wall of fort or battery, if fired with a velocity affording any penetration, will unquestionably be broken into fragments by the shock.

After so much had been said about the effect of these shells upon the walls of St. Juan de Ulloa, it was deemed advisable, although the result of previous experiments were perfectly well known, to repeat, in our own case, some trials touching this point. A target was therefore constructed, consisting of one-third part of the length formed of granite, one-third of bricks, and the remaining third of free-stone. This was fired at by a Paixhans gun, and by a 32-pounder, from the distance of half a mile; and the expected results were obtained, namely:

a. Whether it was the granite, the brick, or the free-stone, that was struck, the solid 32-pounder shot penetrated much deeper into the wall, and did much more damage, than the 8-inch hollow shot; and,

d. These last broke against the wall in every instance that the charge of the gun was sufficient to give them any penetration.

The rupture of the shell may often cause the explosion of the powder it contains, because the shell, the burning fuse, and the powder, are all crushed together; but the shell having no penetration, no greater injury will be done to the wall by the explosion than would be caused by the bursting of a shell that had been placed against it.

From all this, it appears, incontrovertibly, that, as regards the effects to be produced upon batteries by ships, solid shot are decidedly preferable to hollow shot; and the ship that, contemplating the destruction of batteries, should change any of her long 24 or 32-pounder guns for Paixhans guns, would certainly weaken her armament. Her best missiles, at every distance, are solid shot; and, if she can get near, grape shot into the embrasures and over the walls. The best shells against batteries are the sea-mortar shells, fired at high elevations; which, being of great weight, and falling from a great height, penetrate deeply, and, containing a considerable quantity of powder, cause material ravage by their explosion. Such shells, however, can only be fired by vessels appropriately

The use of these same hollow shot by batteries against vessels, is, however, an affair of different character. The shells do not break against timber; but, penetrating the bulwarks, they, in the first place, would do greater damage than hollow shot, by making a larger hole, and dispersing more shrapnel; and having, as shot, effected all this injury, they would then explode it, many fold, by exploding.

In all cases of close action between ship and battery, the shells will pass through the nearer side, and, if not arrested by some object on the deck, will probably lodge and explode in the farther side; causing, by the explosion, a much greater loss among the crew, and greater injury to the vessel, than by their mere transit across the vessel. As before suggested, the vessel would suffer less injury, were her sides made so thin as not to retain the shell, permitting it to pass through both sides, unless fired with small velocity. It is not impossible that an extensive use of these horizontal shells may lead to a reduction in the thickness of ships' bulwarks.

In the facts quoted above, there is no illustration of the effects of hot shot except in the case of Gibraltar. In that attack, the floating batteries were made proof against cold shot, and, as was thought by the constructor, proof against hot shot also: and so, indeed, for a time, it seemed. It was conceived that the hot shot, when buried deep in the closely jointed timber, would scarcely communicate flame; and that it would not be difficult, by the use of the fire engines provided, to subdue so stifled a combustion.

By making these floating batteries impenetrable to shot, it was supposed they had been rendered equal, in perfectly smooth water, to land batteries gun for gun; and so they might then have been, nearly, had the impenetrability of the latter been imparted to them. But, now, resistance would not suffice; these floating batteries must either repel these horizontal shells from their bulwarks, or, if that be impossible, permit them to pass through both sides. Nothing can be better calculated to exhibit the tremendous effects of these shells, than a vessel so thick-sided as to stop a shell, allowing it to burst when surrounded by several feet of timber; there can be no greater mistake than supposing that, by thickening the bulwarks of vessels of war, or fitting up steam batteries with shot-proof sides, the effects of land batteries are to be annulled, or in any material degree modified.

We will sum up this branch of our subject, with the remark, that the facts of history, and the practice of all warlike nations, are in perfect accordance with the conclusions of theory. The results that reason anticipated have occurred again and again. And so long as, on the one side, batteries are formed of earth and stone; and, on the other, ships are liable to be sunk or ed up by the element on which they float, or to be deprived of the means by which they move; so long as they can be penetrated by solid shot, or set on fire or blown up by hot shot, or torn piecemeal by shells, the same result must, inevitably, be repeated at each succeeding trial.

But, after all, it may be urged that the general principle herein contained for, namely, the superiority of batteries in a contest with ships, might be admitted; and still it would remain to show that batteries constitute the kind of defence best adapted to our peculiar wants. This is true; and we now proceed to consider, severally, the cases to which defence must be applied.

It may be well, however, first, to recall the general scope of the preceding argument. It has been contended that floating defences should not be relied on—not because they are actually incompetent to the duty, but because they cannot fulfil this duty unless provided in inordinate numbers, and at boundless expense; and we have endeavored to show that this remark is generally true, whether the defensive fleet be made up of sea-going vessels or of floating batteries, or of steam batteries. We have next urged the point that properly planned and constructed batteries are an overmatch for

of war, even when greatly inferior to them in armament—sustaining opinion by many striking examples, and explaining satisfactorily the instances that have cast any doubt on such contests. If the facts and things we have presented do not convey the same strong convictions to our own minds, it must be because we have obscured rather than stated them; for it would seem to be impossible that facts could be more exceptionable, or reasons more beyond the reach of cavil. However that be, we now leave them to candid and dispassionate revisal, and proceed to examine the mode of applying these defences to our own coast.

It may be well to divide these into several distinct classes :

There will be all the smaller towns upon the coast, constituting a numerous class.

At the same time that no one of these, of itself, would provoke an enterprise of magnitude, it is still necessary to guard each and all against the attacks. A small vessel might suffice to guard against single vessels, but would otherwise be tempted by facility to burn the shipping and exact contribution; but something more than this is necessary, since the amount of temptation held out by a number of these towns would be apt to induce operations on a larger scale. It might often happen, moreover, that our vessels of war would be constrained to take refuge in these harbors, where they should find cover from the pursuer.

Though the harbors of which we now speak afford every variety of size and dimension, there are few, or none, wherein one or two small forts or batteries cannot be so placed as to command all the water that a ship of war can lie in, as well as the channel by which she must enter. While the circumstances of no two of them are so nearly alike as not to modify the measures to be applied to them severally, all should fulfil certain common conditions, namely: the passage into the harbors should be strongly commanded; the enemy should find no place, after passing, wherein he would be safe from shot and shells; and the works should be inaccessible to sudden assault—that is to say, a small garrison should be able to repel such assault. With works answering to these conditions, and of degrees of strength in accordance with the value of their respective trusts, this class of harbors may be regarded as secure. We cannot, however, here avoid asking what would be the mode of defence, if purely naval, of these harbors? Upon the circumstances are deemed to require the presence of a frigate, or a steam-frigate, or an equivalent in gun-boats; would not *two* hostile frigates, or two steam-frigates, infallibly arrive in quest? Could there be devised a system more certain to result in the capture of our vessels, and the submission of our towns?

Another class will consist of great establishments, such as large cities, naval depots, &c., situated in harbors not of too great extent to admit of defence at the entrance, and also at every successive point; so that an enemy could find no spot within, in which he could safely prepare for operations ulterior to the mere forcing an entrance.

In this class are to be found objects that are, in every sense, of the high value. On the one hand, accumulations of military and naval material, and structures for naval accommodation, that could not be replaced during war, which are of indispensable necessity, and of great cost; and, on the other hand, the untold wealth of great cities. As these objects must be in the eyes of the enemy—great for him to gain, and for us to lose—extraordinary efforts on his part must be looked for, and guarded against. If

he come at all, it will be in power ; and the preparations on our part must be commensurate.

The entrance to the harbor, and all the narrow passes within it, must be occupied with heavy batteries ; and if nature does not afford all the positions deemed requisite, some must, if practicable, be formed artificially. Batteries should succeed each other along the channel, so that the enemy may nowhere find shelter from effective range of shot and shells within the harbor, even should he succeed in passing the first batteries.

Provided the shores admit this disposition, and the defences be supplied with an armament, numerous, heavy, and selected with reference to the effects on shipping, the facts we have quoted from history show that these defences may be relied on.

If the mere passing under sail, with a leading wind and tide, one, or two sets of batteries, and then carrying on operations out of the reach of these, or any other, were all, the enemy might perhaps accomplish it ; but our present supposition is, that with this class his ulterior proceedings, and finally his return, are to be subject to the incessant action of the defences.

3. This brings us to consider a third class, consisting of establishments of importance situated at a distance up some river or bay, there being intermediate space too wide to be commanded from the shores. In such cases the defence must be concentrated upon the narrow passes, and must, of course, be apportioned in armament to the value of the objects covered. When the value is not very great, a stout array of batteries at the best positions would deter an enemy from an attempt to force the passage, since the advantage, in case of success, would not be commensurate with any imminent risk. But with the more valuable establishments it might be otherwise ; the consequence of success might justify all the risk to be encountered in rapidly passing in face of batteries, however powerful. This condition of things requires peculiar precautions, under any system of defence. If, having occupied the shores, in the narrow places, in the best manner, with batteries, we are of opinion that the temptation may induce the enemy, notwithstanding, to run the gauntlet, the obstruction of the passage must be resorted to. By this is not meant the permanent obstruction of the passage, but such a resort, besides the great expense, might entail the ruin of the channel. The obstruction is meant to be the temporary closing by heavy floating masses.

There is no doubt that a double line of rafts, each raft being of large size and anchored with strong chains, would make it impossible to pass without first removing some of the obstructions, and it might clearly be made possible to effect this removal under the fire of the batteries. Such obstructions need not be resorted to until the breaking out of a war, as they could then be speedily formed, should the preparation of the enemy be of a threatening nature.

There would be nothing in these obstructions inconsistent with our use of part of the channel, since two or three of the rafts might be kept out of the way ready to move into their places at an hour's notice.

The greatest danger to which these obstructions would be exposed would be from explosion vessels ; and from these they might be protected by a boom, or a line of smaller rafts in front.

From what has just been said, it will be perceived that, when the inducements are such as to bring the enemy forward in great power, and effective batteries can be established only at certain points, we are not then to

hem exclusively. In such a case, the enemy should be stopped by some sical impediments; and the batteries must be strong enough to prevent his owing these impediments, and also to prevail in a cannonade, should the y undertake to silence the works.

he conditions these obstructions have to fulfil are these :

1. They must be of a nature to be fixed readily, and to be speedily oved when there is no longer occasion for them; and, to this end, they t be afloat.

2. They must have adequate inertia to resist, or rather not to be de- ed or displaced by, the shock of the heaviest ship; and, in order to this, must be held by the heaviest and strongest cables and anchors.

3. They must be secure from the effects of explosive vessels; and, if in r from this source, must be covered as above mentioned.

We do not say what are the exact circumstances in which all these condi- will be fulfilled, though we think the idea long ago presented by the d of engineers will, with modifications, embrace them all.

The idea is this: Suppose a line (extending across the channel) of rafts, ated from each other by a space less than the breadth of a ship of war, raft being about 90 feet long, 30 feet wide, and 6 feet deep, formed of g timbers, crossed and braced in all directions, and fastened together in ronest manner. A long-scope chain cable is to proceed from each of ur corners, two obliquely up stream, and two obliquely down stream, y heavy anchors; and there should also be a very strong chain cable ing from one raft to another. Suppose a ship, striking one of the rafts, ak the chains leading down the stream: in doing this, she must lose h of her momentum. She has, then, "under her fore foot," the raft ected by a strong chain with the rafts to the right and left; on being ed, this chain will throw the strain upon the down stream cable of adjoining raft towards which the ship happens to tend. If we suppose ible for these chains also to be parted, by the power still remaining in hip, or by impulses received from succeeding vessels, there will be r chains still to break in the same way. After the down-stream chains ll parted, the rafts will "bring up" in a new position, (higher up the el,) by the anchors that, in the first instance, were pointed up stream. a resistance, precisely like that first overcome, is to be encountered by h that have lost most of their force in breaking the successive chains, in pushing these great masses of timber before them through the water. d there exist a doubt as to the sufficiency of these remaining anchors hains, or should it be deemed most prudent to leave nothing uncertain, nd similar line may be placed a short distance above the first.

The best proportions and dimensions of the rafts remain to be deter- ed; but as there is scarcely a limit to the strength that may be given e rafts themselves, and to the means by which they are to be held to positions and to each other, the success of a well-arranged obstruction is sort can hardly be doubted.

The expense would not be great in the first instance, and all the mate- would be available for other purposes, when no longer needed for this. ay be repeated here, that such expedients need not be resorted to, ex- ocover objects of the highest importance and value, such as would induce ny to risk a large expedition. For objects of less importance, batteries d afford ample protection. It will be remembered that this last power en once established in any position, a constant quantity; and, although

it should be incompetent to effect decisive results when diffused over fleet, may be an overmatch for any small force upon which it should be concentrated. At the same time, therefore, that there is the less likelihood of heavy attacks, there will be, in the batteries, the greater capacity of resistance to others.

It must not be urged, as a reproach to fortifications, that, in the case of a siege, when we are considering, they are obliged to call in aid from other sources, as these aids are cheap, efficient, and of easy resort. By the mode of defence suggested, the defence will undoubtedly be complete, every chance being on the side of the defence; that is to say, if any confidence can be placed in the lessons of experience. How, on the other hand, will the security be attained by naval means? Only, as before shown, by having within the harbor a fleet, or squadron, or whatever it may be, which shall be at all times *superior* to the enemy.

In a naval defence, there will be no advantage in obstructions of a fixed nature, for there can be no lessening of the array of guns, in consequence of such obstructions; because, if these obstructions are under the fire of the enemy's defences, the enemy will first subdue that fire, and then remove the obstructions at his leisure. If this fire prove too powerful for the enemy, the obstructions will have been unnecessary, and will serve only to shut up the own fleet, preventing the prompt pursuit of a beaten foe.

4. There is a fourth class; consisting of harbors, or rather bays and rivers, of such expanse that batteries cannot be made to control the entrance. These have been before spoken of. If the occupation of, or passage through, these must be defended, it must be by other means than batteries upon the shore. The reliance must, from the nature of the case, be a floating defence, of magnitude at least equal to the force the enemy may bring against it. Complete defence of each of these bays would, therefore, involve very great expense; certainly, in most cases, greater than the advantages. The Chesapeake bay cannot, for instance, be shut against a fleet by fixed batteries; and if the entrance of the enemy is to be interdicted, it must be by the presence of a not inferior fleet of our own. Instead of such a defence, it will be better to give up the bay to the enemy, confining our defence to the more important harbors and rivers that discharge into the bay. In such a system, not only will these harbors be secure, but the defences will be directed upon the bay itself, and, at any rate, secure it from predatory incursions, because, while Hampton roads and the navy-yard at Norfolk are protected, no enemy would proceed up the bay with any less force than that which could be sent out from the navy yard.

In certain cases of broad waters, wherein an enemy's cruisers may desire to rendezvous in order to prosecute a blockade, or as a shelter from pestiferous weather, there may be positions from which sea-mortars could be directed upon the whole anchorage, although nothing could be done with guns. A defence of sea mortars, well secured from escalade, would, in such a case, constitute a good defence; because no fleet will lie at anchor within the range of their fire.

In thus distributing the various exposed points of the seacoast into several classes, according to the most appropriate modes of defence, we find that any thing can be substituted for fortifications, where fortifications are applicable; and we find them applicable in all the classes but the last, and in the last we shall find them indispensable as auxiliaries. In the first class, there are, no doubt, some cases where naval means must constitute the active and operative force; and it is probable that steam batteries, or all floating defences, be the most suitable.

be forgotten, however, that the very qualities which recommend a particular kind of force will equally characterize the steam-vessel; nor must it be forgotten that, whether steam vessels, or or both, are relied on, unless there are well secured points on which they can take refuge, they will themselves constitute inviting the superior force of an enemy.

Now, if we were to deem one of the open harbors of such importance, that to furnish it with eight or ten steam batteries for its protection, we should be within reach of the enemy an object worthy of the efforts of twelve or fifteen vessels of the same description. Even, therefore, where naval means must be resorted to for defence upon the coast, there should be works upon the shore, behind which, if overpowered, the fleet might retire.

As before remarked, that the steam batteries are in no way more formidable than sailing vessels are: armed with Paixhans would be less so. And they would be less formidable, also, on account of a comparatively small number of guns; for there is no reason why they should be more accurate than from ships; and the chances of success would be in proportion to the number of missiles.

Another material effect the introduction of this description of vessel can have upon the system of defence by fortifications, is, that, owing to their less mobility, it will be necessary to secure channels that, not being navigable by the line and frigates, might otherwise be left unguarded. These channels may have the draught of water lessened by artificial means, so as to be impracticable even to steam-vessels; and this can be done at small expense, and without detriment to the commerce. These ports will need additional fortifications. But the instances are not wanting where any such shallow channels exist.

Contrary to an opinion not uncommon, that modern improvements in naval armaments will tend to lessen the necessity for fortifications, we here see that the contrary is rather to increase their number.

In this whole discussion, the argument has turned on the relation between fixed and floating defences. The great relative economy of the latter, we suppose, will be conceded. If not, we would ask, as conclusive as leading to calculation entirely satisfactory, that the following data be obtained from authentic sources, namely: the first cost, and the expense in all respects, of the frigates *United States*, *Constitution*, and *Albatross*; also the entire expense of each of said vessels up to this time; and, for each, the year of the several expenditures and the amounts thereof. The heads, as far as practicable, of *first cost*, *repairs or rebuild-
ments* and *alterations*; and distinguishing—1st. The expense expended upon the hull. 2d. The expense bestowed upon the masts, rigging, anchors, cables, and rigging. 3d. The expense bestowed upon the armaments; and 4th. The expense bestowed upon all other matters, (as stores, tanks, paint, &c.) necessarily connected with the preservation, and the service of the vessel.

We now proceed to describe the several positions on the coast requiring fortification. We have something still to say on the general subject, though we have not yet reached the point to which we wished to arrive. We now refer to the kind of fortifications, or rather to their position and strength. That this particular topic should be the subject of our remarks, is the more necessary, since views hostile to the necessity of fortifications now in progress have been urged from a high source.

The present system is founded on this principle, to wit : that the fortifications should be strong, in proportion to the value of the objects to be secured. The principle will not, we suppose, be controverted, but the mode of applying it.

There will hardly be a difference of opinion as to the mode of fortifying the less important points. There being no great attraction to a place by its works simple in their features, requiring small garrisons only, cost little armament, but at the same time inaccessible to the dash and surprise that ships can so easily land, and which can be persevered in for hours with much vigor, will suffice. Circumstances must, however, occasionally modify the properties of these works, even when the positions guarded are of equal value. In one, the disadvantage of position may be compensated by greater power ; in another, natural strength may be aided from art ; in another, greater width in the guarded channel may require a larger armament ; and in a fourth, peculiar exposure to land attack may exact more than usual inaccessibility. But all these varieties lie within the limits that will probably be conceded.

As to the larger objects, it has been contended that there has been a generation in devising works to cover these—the works having been designed for more formidable attacks than they will be exposed to. It is but to utter vague criticisms of this nature ; and it is not easy to rebut them without going into an examination as minute as if the criticism were precise and pertinent.

But let us look a little at the material facts. What is the object of the enemy ? What are his means ? What should be the nature of our fortifications ?

The object may be to lay a great city under contribution, or to capture one of our naval depots, or to take possession of one of our great harbors, &c. It was estimated that in the great fire in the city of New York in the year 1835, the property destroyed within a few hours was worth of \$17,000,000, although the fire was confined to a very small part of the city, and did not touch the shipping. Is it easy, then, to estimate the loss that would accrue from the fires that a victorious enemy could kindle in the circuit of that great city, when no friendly hand could be raised to extinguish them ? or is it easy to overrate the tribute such a city would pay for exemption from that calamity ? Can we value too highly the losses that the destruction of one of the great navy-yards would occasion, and the loss, beyond all pecuniary value, of stores and accommodations indispensable in a state of war, and that a state of war can hardly be avoided ?

But what are the enemy's means ? They consist of his whole naval force, which he concentrates for the sake of inflicting the blow. The language of the critic : " From the nature of maritime operations, a fleet could bring its whole strength to bear upon any particular point, and, by threatening or assailing various portions of the coast, could anticipate the tardy movements of troops upon land, and effect the object of their concentration, or render it necessary to keep in service a force superior to that of the enemy, but so divided as to be inferior to it at any one point."

We have, then, objects of sufficient magnitude ; and the means of the enemy consist in the concentration of his whole force upon one or a few objects.

With the highest notion of the efficiency of fortifications against a fleet, these are not cases where any stint in the defensive means

issile. Having, therefore, under a full sense of the imminent danger to which the great objects upon the coast are exposed, applied to the approaches water an array of obstacles worthy of confidence, we must carefully explore all the avenues by land, in order to guard against approaches that might be made on that side, in order to evade or to capture the works guarding the channels. But, before deciding on the defences necessary to resist these land attacks, it will be proper to estimate, more particularly, the means that an enemy may be expected to bring forward, with a view to his land operations.

History furnishes many examples; and the expedition to Flushing, commonly called the Walcheren expedition, may be cited as peculiarly instructive.

From an early day, Napoleon had applied himself to the creation of a maritime force in the Scheldt; and, in 1809, he had provided extensive dock-yards and naval arsenals at Flushing and at Antwerp. On his invasion of Austria this year, he had drawn off the mass of his troops that he before kept jealous watch over these naval preparations; relying now on forts and batteries, and on the fortifications of Flushing and Antwerp, for the protection of the naval establishments, and of a fleet containing several line-of-battle ships and frigates, and a numerous flotilla of smaller vessels.

The great naval establishment at Flushing, near the mouth of the Scheldt, and of Antwerp, some sixty or seventy miles up the river, with the vessels moored on the river, or in progress in the yards, presented an object to England worthy of one of her great efforts.

The troops embarked on this expedition consisted of upwards of 33,000 infantry, 3,000 cavalry, more than 3,000 artillery, and some hundreds of sappers and miners; constituting an army of about 40,000 men. The naval expedition consisted of 35 sail of the line, 23 frigates, 33 sloops of war, 28 gun-boats, mortar, and bomb vessels, 36 smaller vessels, and 82 gun-boats: making a total of 155 ships and other armed vessels, and 82 gun-boats. The guns, mortars, &c., provided for such bombardments and sieges as the troops might have to conduct, amounted to 158 pieces, with the suitable supplies of ammunition and stores of every kind.

The idea of sailing right up to their object, in spite of the forts and batteries, seems not to have found favor, notwithstanding the power of the fleet. The plan of operations, therefore, contemplated the landing a portion of the army on the island of Walcheren, to carry on the siege of Flushing; while another portion proceeded up the Scheldt as high as Fort Bartz, which was to be taken; after which, the army would push on by land, about twenty miles farther, and lay siege to Antwerp: all which, it was thought, might be accomplished in eighteen or twenty days from the first landing.

The execution did not accord with the design. Flushing, it is true, was reduced within fifteen days; and in less than a week from the debarkation, (which was on the 31st of July,) Fort Bartz was in possession of the English, having been abandoned by the garrison. But it was twenty-five days before the main body, with all necessary supplies for a siege, were assembled at this point, and ready to take up the line of march against Antwerp. Since the first descent of the British, matters had, however, greatly changed. The French were now in force; they had put their remaining defences in good condition; they had spread inundations over the face of the coun-

try ; and not only would there be little chance of further success, safety of the expedition, formidable as it was, might have been compromised by a farther advance : it was, therefore, decided in council to abandon the movement against Antwerp. The troops accordingly returned to the island of Walcheren, which they did not finally leave till the end of December.

The failure in the ultimate object of the expedition is to be ascribed to the omission to seize, in the first instance, the south shore of the river Scheldt, to capture the batteries there, as was originally designed, and which was frustrated by the difficulty of landing enough troops, at any one debouché, in the bad weather then prevailing. The capture of these batteries would have enabled the expedition to have reached Fort Bartz during the first week ; and, in the then unprepared state of the French, the issue of the campaign upon Antwerp can hardly be doubted.

The dreadful mortality that assailed the British army is wholly unconnected with the plans, conduct, or issue of the enterprise, as a military movement ; unless, indeed, it may have frustrated a scheme for occupying the island of Walcheren as a position during the war.

Possession was held of the island for five months ; and it was not abandoned from no pressure upon it by the French ; although, during the first six weeks, the British force consisted, in the aggregate, of less than 17,000 men ; of which, for the greater part of the time, more than half were sick—effectives being often reduced below 5,000 men.

We see, therefore, that an effective force of less than 10,000 men maintained possession of the island, in the face of, and in close proximity to, the most formidable military power in Europe, for more than three months, without any reason can be perceived why it might not have remained an island in our possession, while possessed of naval superiority.

The proximity of England undoubtedly lessened the expense of the expedition ; but it influenced the result in no other way material to the question of the expediency of the movement.

We will allude to no other instances of large expeditions sent by Great Britain to distant countries, than the two expeditions, each of about 10,000 men, sent in the year 1814 against this country : one by the way of Canada, and the other to the Gulf of Mexico. United in a single force of 20,000 men, and operating on our seacoast, the expense would have been less, and the results more certain.

The French, notwithstanding their constant naval inferiority, have many opportunities to embark in great undertakings of the same nature. Admiral Leclerc proceeded to St. Domingo with 34 line-of-battle ships and 12 frigates, more than 20 small frigates and sloops, and upwards of 20,000 men.

We learn from these points in history what constitutes an object of vast preparations ; and it is impossible to resist the fact, that a country with a long coast, and rivers, and bays, possess many establishments not less formidable to an enemy than Flushing and Antwerp.

We are taught, moreover, what constitutes a great expedition ; and, in other words, what is the amount of force we must prepare to meet ; and, more than all, we are taught that such an expedition, seizing a favorable opportunity, when the military arrangements of a country are incomplete—when its armies are absent, or imperfect in their organization or discipline—will not hesitate to land in the face of the most populous districts, and, availing itself of the local peculiarities, and covered and supplied by a fleet, to un-

operations which penetrate deep into the country, and consume considerable time.

It seems, therefore, that, whenever the object we are to cover possesses a value likely to provoke the cupidity of an enemy, or to stimulate his desire to inflict a serious blow, it is not enough that the approaches by water are guarded against his ships; it will be indispensable to place safeguards against attacks by land also. A force considerable enough for very vigorous attacks against the land side of the fortifications may be thrown upon the shore; and, if these yield, a way is opened for the ships, and the enemy carries his object.

In certain positions, the local circumstances would favor the land operations of an enemy; permitting him, while operating against the fortifications, to be aided by the fleet, and covered from the reaction of the general force of the country. In other positions, the extreme thinness of the population in the neighborhood would require the forts to rely, for a considerable time, on their own strength. In all such cases, a much greater power of resistance would be requisite than in circumstances of an opposite nature. In all such circumstances, the works should be of a strength adequate to resist an attack, although persevered in vigorously for several days. But when these land operations lead away from the shipping, or when the surrounding population is considerable, or the enemy is unable to shelter his movements by local peculiarities, then it will suffice if the works be competent to resist attacks, vigorous also, of a few hours only.

The magnitude and strength of the works will depend, therefore, on the joint influence of the value of the object covered, the natural strength of the position, and the succor to be drawn from the neighborhood. We may introduce, as instances, New York and Pensacola. The former is as attackable as the latter: that is to say, it equally requires artificial defences; and, owing to its capacious harbor and easy entrance, it is not easy to place it in a satisfactory condition as to the approaches by water. But while an enemy, in approaching any of the principal works by land, could not well cover himself from the attacks of the concentrated population of the vicinity, the rapid means of communication from the interior would daily bring great accessions to the defence. A land attack against the city must, consequently, be restricted to a few days; and the works will fulfil their object, if impregnable to a *coup de main*.

Pensacola, an object, in many respects, of the highest importance, and growing in consequence every day, is capable of being defended as perfectly as the city just mentioned. The principal defences lie on a long sandy island, which closes in the harbor from the sea. An enemy landed on this island (Santa Rosa) would be in uninterrupted communication with his fleet; could, owing to the sparseness of the population, have nothing to apprehend, for some time, from any reinforcements arriving at the place; and would be well protected, by position, from the effects of this succor, when it should arrive. While in possession of naval superiority, he might, therefore, unreasonably calculate on being able to press a siege of many days of the work which occupies the extremity of the island, and guards the entrance to the harbor. And even before coming into possession of this work, his gun and mortar batteries, on the same island, would destroy every thing not bomb proof and incombustible at the navy yard. An attack not less persevering, and with equal chances of success, might be made from the other side of the harbor also.

If, therefore, the power to resist a *coup de main* be all that is con on the works at Pensacola, their object will be obtained only through forbearance of the enemy ; it being obviously indispensable that the cipal of these works be competent to resist a short siege. If this li resulted from the thinness of the neighboring population, it still be many years before this state of things would be material tered. But it does not depend on this alone ; the peculiar topogra features will continue this liability, in spite of increasing numbers, an so easy and rapid communication with the interior ; it having been that a fleet may lie broad off this shore, and hold daily communication with, during the most tempestuous season. The English fleet of n war and transports lay, during the last war, from the 7th of Febr the 15th March, 1814, anchored abreast of Dauphin island and point, where the exposure is the same as that off Pensacola.

Between the cases cited, which may be regarded as of the class of e cases, (a class comprising, however, many important positions,) almo ry conceivable modification of the defence will be called for, to suit rious conditions of the several points.

The fortifications of the coast must, therefore, be competent to the task of interdicting the passage of ships and resisting land attacks—t tinct and independent qualities. The first demands merely an ar suitable numbers, and in proper proportions, of heavy guns, covered b pets proof against shot and shells ; the second demands inaccessibili there is nothing in the first quality necessarily involving the last, often happened, either from the little value of the position, or from th posed improbability of a land attack, or from the want of time to co proper works, that this property of inaccessibility has been neglected.

Whenever we have an object of sufficient value to be covered by tery, we should bear in mind that the enemy will know the value of the as well as ourselves. That it is a very easy thing for him to land a of men for an expedition of an hour or two ; and, unless we take t cessary preventive measures, his party will be sure to take the batter after which, nothing will prevent his vessels consummating the de was the purpose of the battery to prevent.

In general, the same fortifications that guard the water approach protect the avenues by land also ; but, in certain cases, a force may landed as to evade the channel defences, reaching the object by a entirely inland. Of course, this danger must be guarded against b able works.

After the preceding exposition of our views on the general subject defences of the coast, it may not be out of place here to indicate the by which the system of fortifications on which we would rely a manned and served, without an augmentation, for that particular p of the regular army.

The force that should be employed for this service, in time of war, militia, (using the term in a comprehensive sense ;) the probability that, in most of the defended points on the seaboard, the uniforme volunteer companies will supply the garrisons needed. And it is shown that it is a service to which militia are better adapted than to any

The prominent defect of a militia force results from the impossibility training the men to field movements in the brief period of their service give them any confidence in themselves as manœuvrers in the face of n

the little they learn merely suffices to show them that it is but literary attempt of the kind proving, by the disorder that they know not to avoid, how much greater would be the disorder if in face of an enemy and under fire.

Without the knowledge to be obtained only by long and laborious practice, a militiaman knows that he is no match, in the field, for the regular soldier; and it is not surprising that he should desire to avoid an encounter. There is no such difficulty in the service of fixed batteries. The militia-man is to be taught merely the service of a single gun, than which there can be more simple. He must learn to use the rammer and the wedge, the handspike and the linstock, to load, and to run to battery, to point and to fire: these are all. Each of these operations is of the utmost simplicity, depending on individual action, and not on concert; and they may be taught in a very short time. There is no manœuvring, no marching, no wheeling. The squad of one gun may be marched to another; but the service of both is the same. Even the art of pointing cannon is, to an untrained militiaman, an art of easy attainment, from the skill that all our soldiers acquire in the use of fire-arms—"drawing sight, or "aiming," is the same art, modified only by the difference in the gun.

The mode of applying this force may be illustrated by the case of any of our forts on the seaboard. The forts and batteries, being put in perfect order, should be garrisoned (at least the more important ones) by a small number of regular artillery, such as our present military force could supply, sufficient for the preservation of the public property, and to afford invariable daily guards: to these should be added two or three men of the Ordnance Department, especially charged with the condition of the armaments and ammunition, and two or three engineer soldiers, whose sole duty should be to attend to the condition of the fortifications; keeping every thing in a state of perfect repair. In certain important works, however, that might be exposed to siege, or to analogous operations, it would be prudent, especially in the beginning of a war, to keep up a more considerable body of regular troops.

A volunteer force of the city should then be divided into detachments, without disturbing their company organization; and should be assigned to various works, according to the war garrisons required at each; from six to ten men, according to circumstances, being allowed to each gun.

Larger works might require ten, fifteen, or even twenty companies; smaller, one, two, three, or more companies; and, in some cases, even a single man might suffice. Being thus assigned, each portion of the city force should have its definite alarm-post; and should be often taken to it, and exercised in all the duties of its garrison, and more especially in the service of its batteries, and in its defence against assault. The multiplicity of alarm-boats in all the cities would enable the volunteers to reach even the most distant alarm-posts in a short time.

In order that all these troops may become expert in their duty, one of the most convenient to the city, besides being the alarm-post of some particular portion of the volunteers, should, during peace, be the ordinary place of drill for all: and in this the detachments should, in turn, assemble for exercise.

Besides the mere manual of the gun and battery, there should be frequent practice, as being not only necessary to the proper use of the battery, but also imparting interest and excitement to the service.

It might be necessary for a time to submit the volunteers to the competent officer or non-commissioned officer of the regular army in particular, to conduct the practice with shot and shells and instruction.

The portion of the military force of the city not stationed in batteries would constitute, under an impending attack, a reserve either in one or several bodies, according to circumstances, ready at exposed points, to co-operate in offensive movements, or to relieve garrisons: this portion having connected with it the mounted field artillery, and the heavy moveable guns.

This appropriation of the volunteer force to the immediate defence of the city would operate in the most favorable way upon that force, as to the impulses of patriotism every feeling connected with family and social and civil relations, and, while making military service a duty, relieving it of hardship and privation. It would be a feature in this kind of service that the governing motive in the officers would be favorable to the condition of the troops, every officer that the safety of his dearest concerns depended on the efficiency and courage of his officers. The same motive would prompt him, to his desire, and contribute to, the highest state of efficiency in the corps.

The organization of volunteer force here contemplated may be applicable to the whole maritime frontier; and be applicable, also, at the most important points upon the inland borders.

This arrangement, while it might be an enduring one, would be expensive, by far, of any that would be efficient.

The days of exercise, drill, and encampment should be fixed and regular, in order that they may the less interfere with the private occupations of the volunteers. During an impending attack, greater or less portions of the volunteers would be constantly at these posts; but still the service would comprise but a small portion of the year.

According to the value of the interest to be defended, and the nature of the works to be occupied, would be the rank of the chief commandant. The command should be intrusted to an officer of the regular army, whose command would often be extended, advantageously, over a certain extent of sea coast, right and left, constituting a maritime department.

In the tables to be presented at the end of this report, we shall give the whole number of men required for the complete defence of the works.

We now proceed to examine the coast in detail; and, in order to conform to the Senate's resolution, we shall divide the whole seacoast of the United States into two great portions: the first portion extending from *Quoddy Bay to Cape Florida*; the second from *Cape Florida to the Sabine*. In our description, we shall, without any other general acknowledgment, quote largely from a report presented in April, 1836, and to be found in the Senate documents of the 24th Congress, No. 293, vol. 4. This report contains an argument on a general subject, embodying many important considerations, which we thought best not to repeat in this lengthened report, but to refer to by way of perusal.

We will conduct the examination geographically, beginning at the eastern extremity; and referring, in every case, to the works which exhibit the several works in the order of relative importance.

COAST FROM PASSAMAQUODDY BAY TO CAPE FLORIDA.

extreme northeastern section of this coast, extending from Quoddy to Cape Cod, is characterized by its serrated outline and its numerous bays, and, at certain seasons, by its foggy atmosphere. The extent of this coast, measuring from point to point, wherever the breaks of the coast are, is about 500 miles; while a straight line from one of the abovementioned points to the other is hardly half that distance. The eastern half is singularly indented by deep bays; the coast being universally rocky, and possessing numerous islands surrounded by deep water; which islands not only increase the number of harbors, but cover, besides, an interior navigation understood by the hardy coasters, and measurably secured by its intricacies, and the other dangers of this boisterous and foggy region, from invasion by an enemy. The western half is much less broken; it is covered by few islands in comparison, but contains several excellent harbors. The eastern harbors of Maine are exposed in a peculiar manner. They are not only on the flank of our line, but they are also quite near the public possessions of the greatest maritime Power. They are, moreover, as yet, inhabited by only a thin population; and are, consequently, weak as well as exposed. The time may not, however, be very distant, when, becoming more thickly and populous, they will be objects of a full portion of the national regard. Works designed for these harbors must, therefore, be calculated for the future; must be founded on the principle that they must defend places much more important than any now existing there; that, being near the possessions of a foreign Power, they will be, in a particular manner, liable to sudden and repeated attacks; and that, lying at the extremity of the line, they are liable to be tardily succored. The works must, consequently, be competent to resist escalade, and to hold out for a few days. Poor works might be more injurious than beneficial: their weakness, in the first place, invite attack; and, it being often a great advantage to occupy fortified places in an adversary's territory, the enemy could pre-emptively remedy the deficiencies of the forts, after they should fall into our hands, by adding temporary works, by providing strong garrisons, and by investing the defence with his vessels.

Surveys have been made of these harbors, and no plans formed for their defence. It may be well to observe here, once for all, that much confidence should not be placed for the mere conjectures presented below, as to the number of the works assigned for the protection of the harbors which have not been surveyed: in some cases, there may be mistakes as to the number of forts and batteries needed; in others, errors will exist in the estimated

importance of *Fort Mifflin* and *Machias* may be mentioned as places that will unquestionably be thought to need defensive works by the time, in the order of relative importance, the execution of them can be undertaken by the Government. There are several small towns eastward of Mount Desert island, that may, at a future period, deserve equal attention: at present, however, the places mentioned will be the only ones estimated for; and \$100,000 will be assumed as the cost at each. (Statement I, table F.)

Mount Desert island, situated a little east of Penobscot bay, having a deep and close harbor, affording anchorage for the highest class of ships, and easily accessible from sea, offers a station for the navy of an importance superior to any other on this part of the coast. From this point, his

cruisers might act with great effect against the navigation of the coast, especially that of Maine; and his enterprises could be carried out with great rapidity against any points he might select. These considerations, added to the very great advantage, in certain political events, of occupying a naval station thus advanced, whence we might act offensively together with the expediency of providing places of succor on a part of the coast where vessels are so frequently perplexed in their navigation by prevailing fogs, lead to the conclusion, that the fortification, in a proper manner, of this roadstead, may, before long, be necessary. A survey of this island was begun many years ago; but the party being called to other duties, it was never completed. The project of defensive works has not been made. The entire cost may be, as assumed by the Engineer Department some years ago, \$500,000. (Statement 1, table F.)

Castine.—It would seem to be impossible, on this coast, to prevent an enemy enjoying naval superiority of harbors, or prevent his using them as stations during a war—insular situations, which his vessels would find unapproachable, being so numerous; but it seems proper that such positions as are the sites of towns should be secured. During the Revolution the English held the position of Castine for some time, and left it to our pleasure. It is probable a work costing about \$50,000 would prevent an enemy from again making choice of this position. (Statement 1, table F.)

Penobscot bay.—Upon this bay, and upon the river of the same name flowing into it, are several flourishing towns and villages. Of the bays which intersect the coast, the Penobscot is the one which presents the greatest number of safe and capacious anchorages. As before observed, a large portion of these harbors must, for the present, be left without fortifications, but the valuable commerce of the bay and river must be secured, and to afford a secure retreat for such vessels as may be unable to place themselves under the protection of the works to the east or west of the mouth of the passage of the river must be defended. The lowest point at which a fort can be done, without great expense, is opposite Bucksport, at the "Mouth of the River." A project has been given in for a fort at that position, estimated at \$1,000,000. (Statement 1, table D.)

St. George's bay, Broad bay, Damariscotta, and Sheepscut.—In the Penobscot occur the abovementioned bays, all being deep inlets leading to towns, villages, and various establishments of industry and enterprise. The bays have not been surveyed, and, of course, no plan has been formed for their defence. \$400,000 are assigned to the defence of these waters. The Sheepscut is an excellent harbor of refuge for vessels of every size. (Statement 1, table F.)

Kennebeck river.—This river (one of the largest in the eastern United States) enters the sea nearly midway between Cape Cod and the mouth of the St. Lawrence. It rises near the source of the Chaudière, which is a tributary of the St. Lawrence, and has once served as a line of operations against the British. The situation and extent of this river, the value of its products, and the active commerce of several very flourishing towns upon its banks, together with the excellence of the harbor within its mouth, will not permit its defence to be neglected. The surveys begun many years ago have never been finished. The estimated cost of defences, as formerly reported by the Engineer Department, was \$300,000. Positions near the mouth of the river will permit a secure defence. (Statement 1, table D.)

land harbor.—The protection of the town, of the merchantmen belonging to it, and of the ships of war that may be stationed in this harbor over this part of the coast, or that may enter for shelter, (all of important objects,) may be secured, as an inspection of the map of the harbor will show, by occupying Fort Preble point, House island, Hog ledge, and Fish point.

Two channels to the west and east of Hog island can be obstructed at little expense, (to decide which, some surveys are yet necessary,) there is no necessity for a battery on the ledge; and Fish point need be occupied only by such works as may be thrown up in time of war. The expense now estimated, of the works planned for this defence, will be \$100,000 for Fort Preble, and \$48,000 for House island; for Hog Island \$135,000. (Statement 1, tables A, D, E, and F.) In addition there must be repairs immediately applied to the old works, at an expense of \$6,600.

Kennebunk, and York.—Small works, comparatively, will cover these places; \$75,000 is assumed as the aggregate cost (Statement 1, table F.)

Portsmouth harbor and navy-yard.—The only good roadstead, or harbor, between Cape Elizabeth and Cape Ann, is Portsmouth harbor, within the mouth of Piscataqua river. Line-of-battle ships can ascend as high as the town, seven miles above the town. This situation, sufficiently commanding for a secondary naval depot, designed to repair vessels of war, should be maintained; but it is to be regretted that the bay to the south of the town was not chosen as the site of the navy yard, instead of Fernald's. Being where it is, it will be necessary, in time of war, to make particular dispositions for the protection of the navy yard from an attack from the north shore of the river.

The position of Fort Constitution will certainly, and that of Fort Mifflin will probably, be occupied by the defences; though the works themselves should give place to those that will better fulfil the object. The positions for forts, or batteries, are, Gerrishe's point, Fishing island, Mark's island: some, if not all, of which must be occupied. Surveys are required before the projects can be formed, or before estimates can be made, but there is reason for believing that the entire cost of fortifying the harbor will not fall short of \$300,000. (Statement 1, table D.)

Portsmouth harbor.—The points forming the mouth of the harbor are constantly changing; and it seems necessary, therefore, to rely, for the defence of the harbor, on works to be thrown up during a war. There is a shoal draught of water. It is thought \$100,000 will defend this harbor adequately. (Statement 1, table F.)

Portsmouth harbor.—The position of this harbor, near the extremity of Cape Ann, places it in close relation with the navigation of all Massachusetts, and imparts to it considerable importance. No surveys have yet been made, but it is believed that sufficient defence may be provided for the harbor. (Statement 1, table E.) Should there be any occasion for defensive works before the proposed new works can be commenced, an expense of \$10,000, in repairs of the old fort, will be required. (Table A.)

Salem harbor.—This harbor will be defended chiefly by a portion of the works designed for Salem. \$50,000, in addition, will secure it. (Statement 1, table F.)

Salem harbor.—The port of Salem is distant from Marblehead two miles and separated therefrom by a peninsula. The occupation of the extremity of Winter island (where are the ruins of Fort Pickering) on one side, and Nauset Head on the other, will effectually secure this harbor. Projects have been presented for this defence, estimated to cost \$225,000. (Statement 1, tables D and F.) On a sudden emergency, old Fort Lee may be put in an effective state for \$2,000. (Table A.)

Marblehead harbor.—Besides covering, in some measure, the harbor of Boston, Salem and Marblehead harbors possess an important commerce of their own, and also afford shelter for vessels prevented, by certain winds, from entering Boston or pursuing their course eastward. The proposed mode of defending Marblehead harbor consists in occupying, on the north side, the hillock which commands the present Fort Sewall, (which will be superseded by the new work,) and, on the south, the position of Jack's point. The two works will cost \$318,000. (Statement 1, tables D and F.)

To repair old Fort Sewall, which may be necessary if the new work is not soon begun, will require \$10,000. (Table A.)

Boston harbor.—We come now to the most important harbor in the eastern section of the coast; and, considering the relation to general commerce, and the interests of the navy, one of the most important in the Union.

After a careful examination of all the necessary conditions of such a problem, the board of naval officers and engineers, in their joint report of 1820, gave this harbor a preference over all other positions to the east, inclusive, of New York bay and the Hudson, as the seat of the great northern naval depot; and the Government, by the great additions and improvements that have from year to year been since made to the navy-yard on the Charlestown side, have virtually sanctioned the recommendation of the board. But, independent of the navy-yard, Boston is a city of great wealth, and possesses an extensive and active commerce.

The old works defended merely the interior basin from attacks by wind, but, as it often happens that vessels enter Nantasket roads with a wind scant to take them to the city, or are detained in President roads by light winds or an adverse tide; as the former, especially, is a very convenient anchorage whence to proceed to sea; and, above all, as Nantasket roads affords the best possible station for a blockading squadron, it was deemed indispensable to place permanent defences at the mouth of the harbor. The project of defence regards the existing works, with the necessary repairs and modifications, as constituting a second barrier.

Besides a permanent work, now well advanced, on George's island, the project contemplates permanent works on Nantasket Head; filling up the Broad Sound channel, so as to leave no passage in that direction for ships of war.

Until the best draught for steam vessels of war shall be well ascertained, it will not be safe to say to what depth the Broad Sound channel should be restricted; nor, indeed, can it be positively asserted that this description of vessel can be conveniently excluded by such means. Other vessels can, however, be thus excluded; and steam-vessels passing this channel will still have to pass the inner barrier. The estimated cost of the works for this harbor is \$2,040,000.

Besides the works of a permanent character, it will be necessary, in the beginning of a war, to erect several temporary works on certain positions in the harbor, and on the lateral approaches to the navy yard. (Statement 1, tables A, E, and F.)

nd Provincetown harbors.—These harbors have a commerce of their own, but they are particularly interesting in the port of Boston. While these are undefended, an enemy's attacking Massachusetts bay will have ports of refuge under which would enable him to maintain his blockade, even throughout winter seasons—knowing that the winds which would force him would be adverse to outward-bound, and fatal to such inward-bound venture near the Cape. Were the enemy deprived of these ports, he would be unable to enforce a rigorous investment, as he would be obliged to take an offing on every approach of foul weather. Our ships coming in from sea, and finding an enemy interposed between them and Boston, or being turned from their course by adverse winds, would find the defence of these ports, find to the south of Boston as valuable as those provided in the east, at Marblehead, Salem, and Portsmouth. Plymouth harbor has not been fully surveyed, but the projects of defence have not been formed. The former, it is thought, may be suitably fortified by a work of no great cost on Garnett point; while, to fortify the harbor in such a way as to cover vessels taking shelter at the same time to deprive an enemy of safe anchorages, will require considerable expense. Probably no nearer estimate can be formed than that offered by the Engineer Department some years ago, \$100,000 for Plymouth, and \$600,000 for Provincetown. (See tables D and E.)

The coast between Cape Cod and Cape Hatteras differs from the northern coast in possessing fewer harbors, in having but little rocky and a great deal of sandy shore, in its milder climate and clearer atmosphere, and in its depth and magnitude of seas and sounds, and in the distance to which deep tide navigators ascend up its numerous large rivers. The circuit of the coast, not including the shores of the great bays, measures 650 miles; while a straight line from the abovenamed capes to the other measures about 520 miles.

Vineyard sound.—To the south of Cape Cod lie the islands of Nantucket and Martha's Vineyard, which, with several smaller islands, and the projection of Cape Malabar on the east, enclose the Vineyard sound. The channels through this sound, being sufficient for the passage of large vessels, and one of the channels permitting the passage even of the largest ships, are not only the constant track of coasting vessels, but also the rendezvous of vessels arriving in the tempestuous months from foreign ports. There are within the sound the harbors of *Tarpaulin cove*, *Edgartown*, *Falmouth*, *Hyannis*, and *Nantucket*, besides several smaller ones.

Notwithstanding the many thousand vessels passing this water annually, (of which there are sometimes forty or fifty,) a portion, containing very valuable cargoes, are seen in the harbors awaiting a change of wind, there is supposed to be at least 40,000 tons of whaling vessels owned in the towns of the coast.

As the harbors just named are to be defended at all, it must be by fortification, as there is little or no population except in the towns, and even this is not entirely without military organization. A privateer might easily capture or destroy, or levy contributions from, the vessels in these harbors.

at pleasure. The use of the sound itself, as an anchorage for vessels of war, cannot be prevented by fortifications alone. \$250,000 may, perhaps, suffice for the defence of all the harbors against the kind of enterprise which they are exposed. (Statement 1, table F.)

New Bedford and Fairhaven harbor.—No survey has been made of this harbor, on which lie two of the most flourishing towns. It is easily defensible, and the amount formerly assumed by the Engineer Department probably suffice, namely, \$300,000. (Statement 1, table D.)

Buzzard's bay.—Interposed between the main and the island of Martha's Vineyard, are the Elizabeth islands, which bound Buzzard's bay on the south. This bay covers the harbor of New Bedford, and might be used as an anchorage by an enemy's fleet; but it is too wide to be defended by fortifications.

Narraganset bay.—The properties of this great roadstead will be briefly adverted to. More minute information may be obtained by reference to reports of 1820 and 1821.

As a harbor, this is acknowledged by all to be the best on the whole coast of the United States; and it is the only close man-of-war harbor that is accessible with a northwest wind, the prevailing and most violent wind of the inclement season. Numerous boards and commissions, sometimes composed of naval officers, sometimes of army officers, sometimes of officers of both services, have, at different times, had the subject of this roadstead under consideration; and all have concurred in recommending, in strong terms, that it be made a place of naval rendezvous and repair, if not a great depot; one or more of these commissions preferring it, for the latter purpose, to all other positions. These recommendations have not been acted upon, but it is next to certain that a war would force their adoption upon the Government.

With the opening of this anchorage properly defended, hardly a vessel of war would come, either singly or in small squadrons, upon the coast during the boisterous season, without aiming at this port, on account of the comparative certainty of an immediate entrance. And this would be particularly the case with vessels injured by heavy weather, or in conflict with an enemy; with vessels bringing in prizes, or pursued by a superior force.

This use of the port would almost necessarily bring with it the demand for the means of repairing and refitting; and the concentration of the fleet upon some suitable spot would be the beginning of a permanent dock-yard.

For the same reason that ships of war would collect here, it would become a favorite point of rendezvous for privateers and their prizes, and a common place of refuge for merchantmen.

From this, as a naval station, the navigation of Long Island sound, and the communication between this and Martha's Vineyard sound, or Buzzard's bay, might be well protected; New London harbor would be covered; the navy-yard would command southwardly, as from Hampton roads northwardly, the great inward curve of the coast between Cape Cod and Cape Hatteras; the influence of which command over the blockading operations of an enemy will be apparent, when it is considered that the only harbors of refuge left to him will be the Delaware, Gardiner's and Buzzard's bays, and Martha's Vineyard sound.

The bays first mentioned belong to the class before alluded to, which being too wide for complete defence by batteries, must call in such auxiliary defences as the navy may supply; and, in reference to their defence,

is, nothing can be more important than the fortification of Narragansett roads, because all but the first of the bays just named (including an anchorage for ships of war under Block island) would be commanded by a squadron of those floating defences lying in these roads. To a squadron of batteries, for instance, lying under the fortifications, it would be of little consequence into which of the above anchorages an enemy vessel could go—all being within reach in three or four hours, and some within a day. We will here observe, by the way, that this use of floating batteries is in accordance with the principle before insisted on: they are used to close the entrance into these several bays—that would require a squadron for each, at least equal to the enemy's; but as the enemy would be merely for rest or shelter, and there is no object that he can injure, he is permitted to enter; and our squadron will assail him only when circumstances of wind, weather, &c. give all the advantages to the defence. The fortification of Narragansett roads is therefore, in effect, a most important contribution toward the defence of all the neighboring roads.

The same properties that make Narragansett roads so precious to us, would commend them to the enemy also; and their natural advantages enhanced in his eyes by the value of all the objects these advantages have accumulated therein.

If Providence were without defence, an enemy could occupy it without opposition, and, by the aid of naval superiority, form a lodgment on the Rhode Island for the war. Occupying this island with his troops, and his fleets the channels on either side, he might defy all the forces of the Northern States; and while, from this position, his troops would keep in motion the population of the east, feigned expeditions against New York, or against more southern cities, would equally alarm the country and excite reaction: and thus, though he might do no more than menace, it would be to estimate the embarrassment and expense into which he would involve the Government.

It has been alleged that similar consequences would flow from the occupation of other positions; (such, for instance, as are afforded in the bays and anchorages named;) and that, therefore, the defence, in a strong manner, of Narragansett roads is useless.

Allowing that there are other advantageous and inaccessible positions whereon an enemy might place himself; is it a reason, because the enemy is in spite of us, possess himself of comparatively unsafe and open positions, that we should not apply to our own uses, but yield up to him, the best harbor on the coast? that we should submit to capture and destruction of the valuable objects that accumulate in consequence of the situation of the harbor?

It is believed that none of the outer and wider harbors will answer the purpose of an establishment as we have supposed, nor for any other purpose but the occasional anchorage of ships of war; and for these reasons, we are of opinion that there is no other harbor: that, although ships of war might possibly ride in these harbors at all seasons, it would seem to be a measure of great temerity to attempt it, except in the mildest seasons; and there can be no doubt that a hostile expedition would resort to no harbor as a place of refuge, unless it afforded sure protection to its transports; these being the means by which ulterior purposes could be executed, or final re-conquest of the country effected.

If, moreover, Narraganset roads be fortified and become a naval station or at least the station of a floating force designed to act against these our waters, such an establishment by any enemy would at once be put up to the defensive, and require the constant presence of a superior fleet; thus measurably losing the object of the establishment.

Independent of the qualities of the harbor, however, none of these would answer our purposes: 1st. Because they cannot be securely defended; and, 2d. Because they are difficult of access from the main—communication with them being liable to interruption by bad weather, and liable to be cut off by the enemy.

The defence adopted for Narraganset roads must be formidable on the important points, because they will be exposed to powerful expeditions. Although the possession of this harbor, the destruction of the naval establishment, the capture of the floating defences, and the possession of the island as a place of debarkation and refreshment, should not be considered as constituting, of themselves, objects worthy a great expedition, they might well be the preliminary steps of such expedition; and defences weak in their character might tempt, rather than deter it; for although unable to resist his enterprise, they might be fully competent, after being captured and strengthened by such means as he would have at hand, to protect him from offensive demonstrations on our part.

There are, besides, in the local circumstances, some reasons why the works should be strong. The channel on the eastern side of the island being permanently closed by a solid bridge, requires no defensive works; but this bridge being at the upper end of the island, the channel is open to an enemy all along the eastern shore of the island. Works erected for the defence of the channel on the west side of the island cannot, therefore, prevent, nor even oppose, a landing on the eastern side. The enemy, consequently, may take possession, and bend his whole force to the reduction of the forts on the island, which cannot be relieved until a force has been organized, brought from a distance, conveyed by water to the points attacked, and landed in the face of his batteries: all this obviously requiring many days, during which the forts should be capable of holding out. To resist this against an expedition of 10,000 or 20,000 men, demands something more than the strength to resist a single assault.

Unless the main works be competent to withstand a siege of a few days, they will not, therefore, fulfil their trust, and will be worse than useless.

It must here be noticed, that, although the works do not prevent the landing of an enemy on Rhode Island, they will, if capable of resisting his efforts for a few days, make his residence on the island for any length of time impossible, since forces in any number may be brought from the main and landed under the cover of the fire of the works.

To come now to the particular defences proposed for this roadstead, it must be stated that there are three entrances into Narraganset roads:

1st. The eastern channel, which passes up on the east side of the island of Rhode Island. This, as before stated, being shut by a solid bridge, needs no defence by fortifications, other than a field-work or two, which may be thrown up at the opening of a war.

2d. The central channel, which enters from sea by passing between Rhode Island and Canonicut island. This is by far the best entrance, and leads to the best anchorage; and this it is proposed to defend by a fort on the east side of the entrance, designed to be the principal work in the

This work, called Fort Adams, is nearly completed. On the west of the entrance it is proposed to place another work; and on an island, called Rose island, facing the entrance, a third work. It is also proposed to rebuild the old fort on Goat island, just within the mouth; and also old Fort Mifflin, which is a little higher up, and on the island of Rhode Island.

As to the western passage, three modes present themselves: first, by increasing the depth of water by an artificial ledge, so as while the passage is open, it shall be as free as it is now for the coasting trade, it shall be shut as to the attacks of war, including steam-vessels; second, by relying on fortifications to close the channel; or, third, by resorting in part to one and in part to the other mode just mentioned. Either is practicable; but, being the most expensive and most certain, the estimates are founded on the first. The total cost of the Narraganset defences is estimated at \$1,817,482. (Statement 1, tables A, B, D, E, and F.)

Ordiner's bay.—It is uncertain whether this harbor, which would be a valuable one to an enemy investing this part of the coast, is defensible by fortifications alone. After it shall have been surveyed, it may appear that from one or more positions, the whole anchorage may be controlled by heavy sea-mortars. In such a case, the defensive works would not be necessary. If it be found expedient to fortify some particular portion of the anchorage for steam batteries, (which, however, is not anticipated,) the expense would probably be as great as was anticipated some years since by the Engineer Department, viz: \$400,000. (Statement 1, table F.)

Long Harbor, New York, and Stonington, Connecticut.—Neither of these harbors has been surveyed with reference to defence. The first is possessed of considerable tonnage; and the second, besides being engaged in commerce, is the terminus of a railroad from Boston. \$100,000 may be estimated to the first, and \$200,000 to the other. (Statement 1, tables E and F.)

Long Island harbor is very important to the commerce of Long Island Sound; and, as a port of easy access, having great depth of water, rarely frozen, and being easily defended, it is an excellent station for the navy. It is also valuable as a shelter for vessels bound out or home, and desirous of maintaining a blockading squadron off Sandy Hook.

In the plan of defence, the present forts (Trumbull and Griswold) give place to more efficient works, whereof the expense is estimated at \$441,000. (Statement 1, tables C and F.)

Mouth of Connecticut river.—This river has been shown to be subject to expeditions of an enemy. No survey has been made with a view to its defence; \$100,000 is introduced here as the conjectural cost. (Statement 1, table F.)

New Haven harbor.—It is proposed to defend this harbor by improving and enlarging Fort Hale, and substituting a new work for the slight one erected during the last war, called Fort Wooster. The expense of the new work may be set down at \$90,000, exclusive of \$5,000 for immediate repairs of old Fort Hale. (Statement 1, table F.)

There are several towns between New Haven and New York, on both sides of the sound; none of them are very large as yet, still, most, if not all, are prosperous and increasing. Although, in their present condition, it is not deemed necessary to apply any money to permanent defences, as part of the present object is to ascertain, as near as may be, the ultimate cost of completely fortifying the coast, it seems proper to look forward

to the time when some of these towns may become object terprises of some magnitude. Bearing in mind the population in the mean time, and the situation of the place, I thought that \$200,000 will be enough to provide defence (see table F.)

New York harbor.—The objects of the projected works of New York are, to cover the city from an attack by land, to protect its numerous shipping; to prevent, as far as possible, the entrance of this great port; and to cover the interior communication between the city and the Delaware. In the present condition of the city, an enemy would encounter no great opposition, whether his attack was by land or water.

There are two avenues to the city, namely: one by the river from sea, and one by the sound. If an enemy could enter the sound, he may, now, land his forces on the New York shore, within less than ten miles of New York, and the city would be in the city; or, he may land on the Long Island shore, at a distance, and in the same time be master of the navy-yard and the heights, whence the city of New York is perfectly covered. He may divide his forces, and reach both objects at the same time.

The projected system of defence closes this avenue at Throg's point. At this point will force the enemy to land more than twenty miles from the city on one side, and still farther from the navy-yard on the other.

A work now in progress at Throg's point will probably prevent the enemy from attempting to force this passage. It will, as we have seen, be at a considerable distance from the object; and as he is not able to turn the strong position afforded by Harlem river, the New York side will be sufficient.

But should he land on the Long Island side, he might, by occupying suitable positions, with a view to prevent our crossing, falling on his rear, make a dash at the navy-yard, having the city in front. To prevent this, effectually, and also to accomplish the work should be erected on Wilkins's point, opposite Throg's point. This work, besides completing the defence of the channel, would be against the navy-yard from this quarter in great danger; and that could be collected on the New York shore might, in the event of a work, be crossed over to Long Island, and fall on the rear, cutting off his communication with the fleet. The two points, Throg's and Wilkins's points may, therefore, be regarded as perfecting the defence on that side, the city and navy-yard.

Against an attack by the main channel, there are—

1st. The works in the vicinity of the city, which would prevent an enemy's squadron only after its arrival before the place. Fort Columbus, Castle Williams, and South Battery, on Coney Island; Fort Wood, on Bedlow's island; and Fort Gibson, on Ellis Island.

It is necessary that these works be maintained, because, the lower barrier being forced, these would still afford a disadvantage of their positions, however, that the destruction might be going on simultaneously with the contest between the city and the fleet. They cannot, however, be dispensed with, until they are entirely completed, if even then.

21. At the narrows, about seven miles below the city, the passage becomes so contracted as to permit good disposition to be made for defence. On the Long Island side of the narrows is Fort Lafayette, which is a strong water-battery standing on a reef at some distance from the shore; and immediately behind it, on the top of the bank, is a small but strong work, called Fort Hamilton. Some repairs being applied to these works, this position may be regarded as well occupied.

On the west side, or Staten Island side of the narrows, are the following works belonging to the State of New York, viz: *Fort Richmond*, which is a water-battery; *Battery Hudson*, which is at some height above the water; *Battery Morton*, which is a small battery on the top of the hill; and *Fort Tompkins*, which is also on the top of the hill, and is the principal work. All these need great repairs; but, being once in proper order, would afford a very important contribution to the defence of the passage; nothing further, indeed, being contemplated for this position, except the construction of a small redoubt on a commanding hill, a little to the southwest. The repairs of these works cannot too soon be taken in hand; and it is hoped some arrangement may soon be made with the State authorities to that end.

With the narrows thus defended, and the works near the city in perfect order, New York might be regarded as pretty well protected against an attack by water through this passage.

But there lies below the narrows a capacious bay, affording good anchorage for any number of vessels of war and transports. An enemy's squadron being in that bay, into which entrance is very easy, would set a seal upon this outlet of the harbor. Not a vessel could enter or depart at any season of the year. And it would also intercept the water communication, by the way of the Raritan, between New York and Philadelphia.

The same squadron could land a force on the beach of Gravesend bay, the place of the landing of the British, which brought on the battle of Long Island in the revolutionary war,) within seven miles of the city of Brooklyn, of its commanding height, and of the navy yard; with no intervening obstacle of any sort.

This danger is imminent, and it would not fail, in the event of war, to be fully realized as it was during the last war, when, on the rumor of an expedition being in preparation in England, 27,000 militia were assembled round the city from an attack of this sort. It is apparent that the defences of the city, and those at the narrows, indispensable as they are for other purposes, cannot be made to prevent this enterprise; which can be thoroughly defended against only by—

22. An outer barrier at the very mouth of the harbor. This would accomplish two objects of great consequence, namely, rendering a close blockade of the harbor impossible; and obliging an enemy, who should design to send troops against the navy yard, to land at a distance of more than twenty miles from his object, upon a dangerous beach; leaving, during the absence of the troops, the transports at anchor in the ocean, and entirely without shelter. The hazards of such a land expedition would, moreover, be greatly increased by the fact that our own troops, by passing over to Long Island under cover of the fort at Wilkins's point, could cut off the return of the enemy to his fleet, which must lie at or somewhere near Rockaway: time, place, and the direction of the respective marches, would make, very probably, such a manœuvre a part of the plan of defence. Against an enemy landing in Gravesend bay, no such manœuvre could be effectual, on account of the shortness of his line of march, as well as of its direction.

In view of these considerations, the board of engineers projected additional works—one for the *east bank*, and another for the *middle ground*, these positions being on shoals on either hand of the bar, outside of Sandy Hook. Before determining on the works last mentioned, the board went into much research in order to ascertain whether these shoals were changeable; and it was thought to have been fully proved that there had been no material alteration in more than sixty years. This apparent stability of the shoals encouraged the board to devise the project referred to.

Recent surveys have, however, discovered a new, or rather another channel. If it be indeed a *new* channel, it shows a want of stability in the shoals, that forbids any such structures as the contemplated batteries; and it may be necessary to resort to other means. Suitable means exist, unquestionably, though it may not be best to decide on them until all doubt as to the fixed or changing nature of the channel shall be removed; especially as it must necessarily be some time before the completion of more indispensable works will allow the commencement of these. This may, however, be said with certainty, namely: that, all other means failing, works may be erected on Sandy Hook, which will have a good action upon the channel, and under cover of which bomb ketches or steam batteries, or both may lie. With such an arrangement, there would be little probability of the lower bay being occupied as a blockading station.

To recapitulate: The security of the city of New York and the navy yard requires, first, defences on the passage from the sound; namely, the completion of Fort Schuyler on Throg's point, and the erection of a fort on Wilkins's point—cost of both \$976,000: second, the repair of works on Governor's island, on Bedlow's island, and on Ellis's island—estimated cost \$170,897: third, the repair of the works at the narrows, including the works belonging to the State—cost \$475,000; and, fourth, the erection of outer defences on or near Sandy Hook, estimated by the board of engineers to cost \$3,362,824.

The total cost, exclusive of these last, will therefore be \$1,621,897; including these, \$4,984,721. (Statement 1, tables A, C, and F.)

Delaware bay, Fort Delaware, Fort Mifflin, Delaware breakwater. The coast from the mouth of the Hudson to the Chesapeake, as well as that on the south side of Long Island, is low and sandy, and is penetrated by several inlets; but not one, besides the Delaware, is navigable by the going vessels. The Delaware bay itself being wide, and full of shoals, having an intricate channel, and being much obstructed by ice in the winter, affords no very good natural harbor within a reasonable distance of the sea.

The artificial harbor now in course of construction near Cape Henlopen will, it is hoped, fully supply this need; in which event, it must be securely fortified. No plans have, however, as yet been made with that object; and as to the probable cost, nothing better can now be done than to assume the conjectural estimate made some years since in the Engineer Department, namely, \$600,000. (Statement 1, table F.)

The lowest point at which the bay is defensible is at Pea-patch island, about forty-five miles below the city of Philadelphia. A fort on that island to replace the one destroyed by fire; a fort opposite the Pea-patch, on the Delaware shore, to assist in commanding the Delaware channel, and at the same time protect the mouth of the Delaware and Chesapeake canal; temporary work on the Jersey shore, to be thrown up at the commencement

of a war, to assist in closing the channel on that side ; together with
ing obstructions, to be put down in moments of peril, will effectually
all above this position—including Philadelphia, and its navy-yard,
mington, New Castle, the canal before mentioned, and the Philadelphia
Baltimore railroad.

he commencement of the rebuilding of Fort Delaware being delayed
difficulties attending the settlement of new claims to the island on which
to stand, Fort Mifflin, which is an old work, about seven miles below
city of Philadelphia, has been put in good order. This work is ready
ceive its armament and its garrison.

he expense of the work on Fort Delaware may be estimated at \$491,000,
of the fort opposite \$521,000. (Statement 1, tables C and F.)

Chesapeake bay.—The board of naval officers and engineers intrusted
the selection of sites for a great northern and a great southern naval
t, recommended, in their joint reports of 1819 and 1820, Burwell's bay,
James river, for the one ; and Charlestown, in Boston harbor, for the
t. They also recommended Boston harbor and Narraganset bay, at
north, and Hampton roads, at the south, as chief naval rendezvous. In
reports the commissioners entered at large into the consideration of
he matters relating to these important objects, and reference is now
to those reports for many interesting details.

Hampton roads, James river, Norfolk, and the navy-yard.—The works
needed for the defence of these are, 1st, a fort at Old Point Comfort—this
is called Fort Monroe ; 2d, a casemated battery, called Fort Calhoun, on
Tip Rap shoals, opposite Old Point Comfort ; and 3d, a line of floating
batteries extending across the channel from one of these works to the
other. It was the opinion of the commission above mentioned, that, in
event of a great naval depot being fixed on James river, it might ulti-
mately be proper to provide additional strength by placing works on the
banks of Newport news, Wassaw shoals, and Craney Island flats. Such
expansion has, however, since then, been given to the present navy-yard
at Norfolk, (opposite Norfolk,) that there is little probability of any other
works on these waters being occupied for such purposes.

the great importance of retaining Hampton roads during a war, and of
keeping the navy-yard, is conceded on all hands. The bearing of this
upon the general defence of the Chesapeake bay is, perhaps, equally
understood ; it being very evident that a small hostile force would re-
adily venture up the bay, or into York river, or the Rappahannock, or
any of the upper harbors, leaving behind them a great naval station, and
a common rendezvous of the southern coast—a station seldom, in time of
war, without the presence of a number of vessels just ready for, or just re-
turned from, sea.

the very important bearing upon the security of Norfolk and the navy-yard,
dependent of the closing the channel to those places, is, however, not gen-
erally understood ; and has been entirely overlooked in the official animad-
versions (before mentioned) on the system of defence of the board of engi-
neers.

we suppose no defences at the mouth of the roadstead, or only such as
are disregarded, or easily silenced, an enemy might debark his troops in
the haven bay, and despatch them against Norfolk, while his fleet would
keep the harbor to the vicinity of the town, not only covering the flank of
the troops, but landing parties to turn any position that might be taken by

the army attempting to defend the place ; or, instead of landing in the bay, he might, at his option, land the main body quite near to Norfolk ; and by his possession of James river, he would prevent the arrival of any such force in steamboats, or otherwise, by that channel.

There are two or three defiles on the route from Lynnhaven bay to Norfolk, caused by the interlocking of streams, that, with the aid of field-works, would possess great strength ; and, being occupied in succession, would undoubtedly delay, if not repulse, an enemy assailing them in front. Since the naval depôt seems fixed at Gosport, these must, indeed, be chiefly relied on for its security from land attacks ; and timely attention must be given, on the breaking out of a war, to the occupying of these defiles with appropriate defences. These positions possess no value whatever, if they can be turned ; and, without adequate fortifications at the outlet of Hampton river, there would seem to be no security for Norfolk or the navy-yard, except the presence of a large military force.

On the completion of the projected defences, the circumstances will be very different. Then, those defiles must be attacked in front, because a part of the enemy's force can be landed above the mouth of the roads. But this is not all. The moment an enemy advances toward Norfolk from a point of debarkation, his communication with his fleet will be jeopardized ; and, because, as the defiles do not require a large body to defend them against an attack in front, the greater part of the reinforcements arriving from above by way of the river, may be landed upon his flanks, or in his rear. An offensive land movement by the enemy, under such circumstances, could be justified only in the case of his finding an entire want of preparation caused by the unexpected commencement of hostilities. In connection with this disposition for defence, it may be expedient, on the opening of a war, to throw up a field-work on the shore opposite the position of Fort Calhoun ; which would, besides, contribute to the exclusion from the river of vessels of small draught.

The above remarks show that the fortifications in progress are not so necessary to the security of the navy-yard and the city of Norfolk from a land attack, than from an attack by water ; and that both these important functions are superadded to the task of defending the only good road of the southern coast, and of contributing, in a very important degree, towards the defence of the Chesapeake bay.

As in the case of Narraganset roads, it has been objected to this system of defence, that, although it may shut up this anchorage, it leaves other parts in this region open. May we suppose, then, that if there were no other harbor than this harbor, its defence would be justifiable ? If so, it would seem that the objection rests on the principle, that, in proportion as nature has been bountiful to us, we must be niggard to ourselves ; that, having little, we may cherish it ; but, having much, we must throw all away.

The same criticism complains of the unreasonable magnitude of one of these works, (Fort Monroe ;) and we concede that there is justice in the criticism. But it has long been too late to remedy the evil. It may be, however, be improper to avail of this opportunity to remove from the country the professional reproach attached to this error. When the system of coast defence was about to be taken up, it was thought best, by the Government and Congress, to call from abroad a portion of that skill and science which a long course of active warfare was supposed to have supplied. Fort Monroe is one of the results of that determination. It was

ry, probably, to come down from the exaggerated scale of warfare to Europe was then accustomed; nor, for those who had been brought ere wars were often produced, and always magnified, by juxtaposition or proximity, to realize to what degree remoteness from belligerents would diminish military means and qualify military objects. Certain is, that this experiment, costly as it was in the case of Fort Monroe, have been much more so but for the opposition of some whose moderate opinions had been moulded by no other circumstances than peculiar to our own country.

A mistake is one relating to magnitude, however; not to strength. Magnitude, in fortification, is often a measure of strength; but not always, in this instance. Fort Monroe might have been as strong as it is now, by a water attack, or an assault, or a siege, with one-third its present cost, and perhaps at not more than half its cost. We do not think this too strong for its position, nor too heavily armed; and as the force of the garrison will depend mainly on the extent of the armament, the excess caused an excess in the first outlay chiefly, but will not involve needless expense after completion.

Though there is much important work to be done to complete the fort, it is now in a state to contribute largely to the defence of the road-ward and there is no doubt that in a very short time all the casemated works may be perfectly ready to receive the armament.

The work will be found in statement 1, table C; \$223,367 being required to complete it.

Calhoun cannot yet be carried forward, for want of stability in the foundation. The artificial mass on which it is to stand having been raised above the water, the walls of the battery were begun some years since; but it was soon found that their weight caused considerable subsidence. On inspection by engineer officers, it was then decided to keep the foundations loaded with more than the whole weight of the finished work, until subsidence has ceased. The load had hardly been put on, however, it was injudiciously determined to take it off, and begin to build, although the settling was still going on. Happily a better policy prevailed, and the construction was resumed; but not before the very considerable expense of removing the load had been incurred, and the further expense being it rendered necessary. It is hoped the whole load will be removed early the present year. (Statement 1, table C.) Required to complete work \$416,000.

It may be expedient, in time of war, by way of providing interior batteries, to erect batteries on Craney island, at the mouth of Elizabeth river; to put in condition and arm old Fort Norfolk, which is just below the

Harbor of St. Mary's.—The central situation (as regards the Chesapeake) fine basin, its relation to the Potomac, its depth of water, and the manner with which it may be defended, indicate its fitness as a harbor of refuge for the commerce of the Chesapeake bay, and as an occasional, if instant, station during war of a portion of the naval force. A survey was made, but no project has been formed. The Engineer Department, years ago, conjectured that the cost of defences in this harbor might amount to \$300,000. (Statement 1, table F.)

Apollon harbor.—No surveys or plans of defence have been made. Existing works are inefficient and quite out of repair. A former esti-

mate, made by the Engineer Department, amounting to \$250,000, is adopted here. (Statement 1, table F.)

Harbor of Baltimore.—The proximity of the city to Chesapeake Bay greatly endangers the city of Baltimore. In the present state of things an enemy in a few hours' march, after an easy landing, and without losing his communication with his fleet seriously endangered, can make himself master of that great emporium of commerce. There are required for its security two forts on the Patapsco—one at Hawkins point, and the other opposite that point, at the extreme end of the flat that runs off from Sollers point; these being the lowest positions at which the passage of the Patapsco can be defended. Besides the advantages that will result, of obliging an enemy to land at a greater distance—thereby gaining time, by delaying his march, for the arrival of succor, and preventing his turning the defensive positions which our troops might occupy—it will be impossible for him to endanger the city by a direct attack by water.

The present Fort McHenry, redoubt Wood, and Covington battery, should be retained as a second barrier. The first-mentioned is now in good condition, and the repairs required for the others may be applied at the beginning of a war.

The fort on Sollers point flats, which should be first commenced, is estimated to cost \$1,000,000. (Statement 1, table D.)

The fort on Hawkins point (to be found in statement 1, table F) will cost, it is supposed, \$376,000.

Mouth of Elk river.—The completion of the line of water communication from the Delaware to the waters of the Chesapeake makes it proper to place a fort somewhere near the mouth of Elk river, in order to prevent an enemy from destroying, by a sudden enterprise, the works forming this outlet of the canal. There have been no surveys made with a view to establish such protection, which are estimated at \$50,000. (Statement 1, table E.)

Cities of Washington, Georgetown, and Alexandria.—Fort Washington covers these cities from any attack by water, and will oblige an enemy to land at some eight or ten miles below Alexandria, should that city be the object, and about twice as far below Washington. It will also serve a very important purpose of covering troops crossing from Virginia in view to fall on the flanks of an enemy moving against the capital from Patuxent or the Chesapeake. To put the necessary repairs on Fort Washington will cost about \$20,000. (See statement 1, table A.)

Cedar point, Potomac river.—But all these objects would have been better fulfilled had the work been placed at Lower Cedar point. As it is, however, the contemplated works being constructed in the Patuxent, and the militia of the surrounding country in a due state of preparation, an enterprise against Washington would be a hazardous one.

As giving complete security to the towns in the District, covering more than sixty miles in length of the Potomac, and a large tract of country lying between the Potomac and the Patuxent, the work on Cedar point should not be omitted. There have been no surveys made of the ground nor projects of the fort, which, in a conjectural estimate of the Engineer Department, was set down at \$300,000. (Statement 1, table E.)

Patuxent river.—The more effectually to protect the city of Washington from a sudden attack by troops landed at the head of navigation in the Patuxent, and to provide additional shelter for vessels in the Chesapeake, a fort has been planned to occupy Point Patience, and another to occupy

mas's point, both a short distance up the river. The work on Thomas's (in statement 1, table D) estimated \$250,000; and the work on Point (in statement 1, table F,) estimated to cost \$246,000.

will be perceived that the system of defence for Washington contemplates, first, defending the Potomac on Cedar point, and maintaining a barrier at Fort Washington; second, defending the mouth of the river. This system is criticised, in the document before referred to, in order to induce the suspicion that it was not understood.

During the last war, there was no fort in the Patuxent; and the consequence was, that the British approached by that avenue, and occupied the river as high as Pig point—nearly fifty miles from its mouth, and more than twenty miles from the capital; while, in consequence of there being no forts in the Potomac, they occupied that river as high as Alexandria inclusive; by this latter occupation, perfectly protecting the left flank of the British movement, during its whole advance and retreat. Both flanks being thus secured, the British had nothing to fear except from a force in front; and that risk was not great, in the short march of less than twenty miles from the river to the capital, was proved by the issue.

On the ninth day from that on which the fleet entered the Chesapeake, the British army was in possession of the capital, having penetrated nearly thirty miles beyond the point of debarkation. On the twelfth day from the day of landing, the troops were again on ship-board, near the mouth of the river. This attack, exceedingly well conceived, and very gallantly executed, owed its success entirely to the want of defences, such as are now proposed.

Let us suppose both rivers fortified as recommended, and an enemy attempting to land at the mouth of the Patuxent. If now he attempt this enterprise, his march will be prolonged by at least four days; that is to say, it will take more than sixteen days, during which time he will be out of communication with his fleet, as regards supplies and assistance.

His opposition to his invasion will begin at the landing, because our forces, having now nothing to fear as to their flanks, either from the Potomac or the Patuxent, will dispute every foot of territory; and although he should be enabled to advance, it must be at a slower rate.

As he is thus pursuing his route towards Washington, the forces of the United States will be crossing the Potomac, and concentrating at Port Tobacco, in a position between that place and Fort Washington, preparatory to attacking him on his flank and rear. This would seem to be conclusive; for it is not to be conceived of troops persevering in an expedition, when every day will not only place them farther from succor, but greatly increase the need of it. Railroads reach from near the crossing-places of the river to the very heart of the country south; and a very few days will bring forward a large force, all of which would arrive upon the rear of the enemy.

It is said, in the criticism, that, if shut out of the Patuxent, the enemy would land between the mouth of that river and Annapolis, and thence march against Washington. But the same difficulties belong to this proposed plan, and a new difficulty is added. The Virginia forces arrive, as before, to flank his flank, either between the Potomac and Patuxent, or between the Patuxent and the Chesapeake; and there is, besides, the Patuxent for the enemy to cross, both in going and returning—itself a formidable military obstacle.

It is said, also, that the landing may be made in the Potomac; but only proves that the system animadverted on had not been studied, is a fundamental principle of the system that such landing must be prevented by fortifying the rivers as low down as possible.

The southern coast, stretching from Cape Hatteras to the southern end of Florida, is invariably low, and, for the greater part, sandy; much of the coast from the abovementioned cape to Montauk point, east end of Long Island.

A ridge of sand, here and there interrupted by the alluvion of the rivers, extends through its whole length. This ridge, in certain portions, is the main land; while, in others, it is divided therefrom by basins or "inlets" of various width and depth; and is cut up into islands by numerous channels which connect these interior waters with the sea. Wherever the ridge is interrupted, its place is occupied by low and marshy ground bordering the principal and the many lesser outlets of the rivers.

Ocracoke inlet, N. C.—The shallowness of the water on the bar of this inlet effectually excludes all vessels of war—at least, all moved by sails; as this is an outlet of an extensive commerce, and as, through this outlet, attempts might be made in small vessels, barges, or the smaller class of vessels, to destroy this commerce, or to interrupt the line of interior communication, timely preparation must be made of temporary works to defence against all such minor enterprises.

Beaufort harbor, N. C.—A work called Fort Macon has been erected for the defence of this harbor, which will require some repairs. Operations are also called for to protect the site from the wearing of the sea. (Statement 1, table A.) Estimate \$10,000.

Mouths of Cape Fear river, N. C.—The defence of the main entrance of Cape Fear requires, in addition to Fort Caswell, (now nearly completed on Oak island, another fort on Bald Head. And the defence of the channel will require a redoubt on Federal point. The battery-martello block-house, &c., at Smithville, should remain as accessories. Fort Caswell, Oak island, (statement 1, table C,) requires \$6,000 to complete. Fort on Bald Head (statement 1, table F) will require \$180,000; redoubt on Federal point (statement 1, table F) will require \$18,000; battery, &c., called Fort Johnston, at Smithville, (statement 1, table A.)

Georgetown harbor, S. C.—The first inlet of any consequence into the Cape Fear river is at the united mouths of the Waccamaw, Pedee, and other rivers, forming Georgetown harbor; which is a commodious and safe bay, having sufficient water within, and also upon the bar near the entrance, for merchant vessels and small vessels of war. A survey of this harbor was begun many years ago, but never completed; and no projects of defence have been made. It is probable that a work placed near Little Back creek, or on Winyaw Point, would give adequate strength at the cost of about \$250,000, (statement 1, table E.)

Santee river and Bull's bay.—About ten miles south from Georgetown are the mouths of the Santee, the largest river in South Carolina. It is not known whether the bars at the mouths of this river have sufficient depth for sea-going vessels. The same uncertainty exists as to the depth of Bull's bay. It may be sufficient to consider these, and the other inlets between Georgetown and Charleston, as calling for small works, capable of resisting boat enterprises, and to assign as the cost \$100,000. Should they prove to be navigable for privateers, they will require a larger expenditure. (Statement 1, table F.)

Charleston, S. C.—This city, situated at the junction of Ashley and Edisto rivers, is about five miles, in a direct line, from the sea. Between the ocean there is a wide and safe roadstead for vessels of any draught. The bar, lying three or four miles outside of the harbor, there is, however, only water enough for smaller frigates and sloops of war. On the west side of the harbor is James's island, in which are several serpentine passages, more or less navigable for boats, barges, and small steam-vessels. Some of them communicate directly with the sea and Stono river. The most northerly passage from the Stono to Charleston harbor is Ashley river opposite the middle of the city.

For natural water communications exist, also, to the southwest of Charleston river, connecting this with North Edisto river; the latter with South Edisto and St. Helena's sound; this, again, with Broad river; and, finally, with Savannah river.

On the north side of the harbor of Charleston lies Sullivan's island, separated from the main by a channel navigable only by small craft. On the west side of this island is an interior water communication, which extends to Bull's bay, and even beyond, to the harbor of Georgetown.

From this sketch it is apparent that it will not do to restrict the defences to the principal entrance of the harbor. The lateral avenues must also be fortified. And it is probable that accurate surveys of all these avenues will show that the best mode of defending them will be by works at or near the mouths of the inlets, as the enemy will be kept thereby at a greater distance from the city; the lesser harbors formed by these inlets will be protected; and the line of interior water communication will be inaccessible from the ocean.

For the defence of the principal entrance to Charleston harbor a fort should be founded nearer to the ocean than the western extremity of Sullivan's island.

This is, at present, occupied by Fort Moultrie—a work of some magnitude, but by no means adequate to its object; its battery being weak, and the scarp so low as to oppose no serious obstacle to escalade. However, by a modification of its plan and relief, may be made to constitute a full defence of the harbor, has not yet been determined. But as it is the only work at this, the principal point of defence, it must be kept in good condition for service; and no alterations that will disturb its efficiency should be undertaken. The repairs now indispensable will cost \$100,000. (Statement 1, table A.)

On a shoal nearly opposite to Fort Moultrie, the foundation of a fort has been laid, which will have a powerful cross fire with Fort Moultrie. It is called Fort Sumter. (Statement 1, table C.) To complete this work and acquire, it is estimated, \$286,000.

In the upper part of the harbor is Castle Pinckney, on Shuter's Folly.

This requires some repairs, estimated at \$7,000. (Statement 1, table D.)

North Edisto, and South Edisto.—All these must be fortified, at least in such a manner as to protect these inlets from enterprises in boats or small vessels. To that end, \$50,000 may be assigned to each. (Statement 1, table F.)

St. Helena sound.—The proper defences cannot be pointed out till the sound shall have been surveyed. Although there is supposed to be no depth of water on the bar, it is known to be navigable for the smaller merchantmen, and for steamboats, and to have a navigable commu-

nication with the head of Broad river, or Port Royal : intersecting interior navigation between Charleston and Savannah. The estimate is \$150,000. (Statement 1, table F.)

Broad river, or Port Royal roads.—The value of this capacious stand, as a harbor of refuge, depends on the depth that can be carried over the bar ; on the distance of this bar beyond the line of coast ; and means that may be applicable of lessening the danger of crossing it. It is supposed to be the deepest bar on the southern coast. Should it prove to be water enough for frigates, and should it be practicable to make the passage over the bar safe and easy, by the erection of light houses on the shore, and lights, or other distinct guides, on the bar, this harbor, situated within 60 miles of the city of Charleston, and 20 of Savannah, intersecting the interior water-communication between these cities, securing the arrival of supplies of every kind, would possess a high degree of importance, not only as a harbor of refuge, but also as a naval station.

The survey of the exterior shoals, constituting the bar, should be made with the greatest care and all possible minuteness. Only when these surveys have been done, can the true relation of this inlet to the rest of the coast be known ; and on this relation the position and magnitude of the defences will depend. For the present, the estimate made some years ago by the Engineer Department is adopted, namely, \$300,000. (Statement 1, table E.)

Savannah, and mouth of Savannah river, Georgia.—Mention has been made of the natural interior water-communication along the coast of North Carolina. A similar communication extends, south from the Savannah river, as far as the St. John's, in Florida. Owing to these passages, Savannah, like Charleston, is liable to be approached by other means than the harbor or river ; and, accordingly, its defences must have regard to these lesser, as well as great, channels.

The distance from the mouth of Wassaw sound, or even Ossabaw sound (both to the southward of Savannah river,) to the city, is not much greater than from the mouth of the river ; and an enterprise may proceed through either distance by water, or part of the way by water and part by land, from the inlet, or from both. As in the case of like channels in the neighborhood of Charleston, it cannot now be determined where they can be defended most advantageously. It is hoped, however, that the localities will permit of defences to be placed near the inlets ; because, thus placed, they will serve the double purpose of guarding the city of Savannah and covering the harbors, which, in time of war, cannot but be very useful.

The defence of Savannah river is not difficult. A fort on Cockspur island, lying just within the mouth, and, perhaps, for additional security, another on Tybee island, which forms the southern cape at the mouth of the river, would prevent the passage of vessels up the channel, and secure the anchorage between Tybee and Cockspur.

Old Fort Jackson, standing about four miles below the city, should be maintained as a second barrier, both as respects the main channel and the passages which come into the river from the south ; which last will be at all controlled by works on Cockspur or Tybee. Fort Pulaski on Cockspur island, is well advanced ; and, to a certain extent, is even efficient, measures being now in hand for mounting the lower tier of guns. \$215,000 are required to complete the works, and the out-works and parapetages. (Statement 1, table C.) To fortify Tybee island may

atement 1, table E.) And to repair Fort Jackson, \$50,000. (table A.)

und, *Ossabaw sound, St. Catharine's sound, at the mouth of the Savannah river; Sapelo sound, Doby inlet, Altamaha sound, at the mouth of the Altamaha river; St. Simon's sound, at the mouth of Buffalo Creek; Drew's sound, at the united mouths of the Scilla and San Pedro; and Cumberland sound, at the mouth of St. Mary's river.*—Communications with the ocean are highly important, as regards prior navigation, and several of them as affording access to the interior. The last, and one or two others, are known to be navigable by the largest sloops of war and merchantmen; and some of the others are inferior, as regards depth of entrance or safety of anchorage. Surveys have yet to be surveyed. Some of them are probably defensible by forts and batteries, while others may require the aid of gunboats.

Important principle, bearing peculiarly on the defence of the Georgia coast, that, on a shore possessing few harbors, it is at the same time necessary to preserve them all for our own use, and more so in case of an enemy of that shelter, without which a close blockade cannot be maintained. This principle is enforced, in the instance of our coast, by the two following weighty considerations, namely: first, the distance from the nearest naval rendezvous, the Chesapeake, which is 600 miles distant, and to leeward both as to wind and current; second, its being close upon the larboard hand, as they enter the river, a great concourse of vessels passing, at all seasons, through the straits. While, therefore, this part of the coast, from the Cape of Fear to the mouth of the river, is in great need of protection of some sort, naval aid cannot be obtained to it only with difficulty, and at the risk of being cut off from the interior by a superior enemy.

And minute surveys, which will enable our vessels, whether in the service or suffering by stress of weather, to shun the dangers of the navigation of these harbors, and properly arranged defences, when arrived, seem to be indispensable.

If the harbors shall be fortified, the operation of investing the coast, and the great outlet of commerce through the Florida passage, will be a most difficult and hazardous one to an enemy, to whom no perseverance will avail to maintain a continuous blockade; while, on the part of our vessels of war, steam-frigates, and privateers, the same sort of success will be at all times easy and safe.

It is now to be done, than to assume \$200,000 as the average cost of defending each of the nine entrances; giving a total of \$1,800,000. (Statement 1, tables E and F.)

St. Augustine, Florida.—This, the most southern of the harbors on the coast, is the key to the eastern portion of Florida, is accessible to the passage of merchantmen, to privateers, and to steam-vessels; and requires a great amount of protection from attacks by water. It is, therefore, to put that part of the old Spanish fort (Fort Marion) that commands the harbor in a serviceable state, which will require \$50,000. (table A.)

As we have passed along the whole Atlantic coast, from Passamaquoddy Bay to the Gulf of Mexico, pointing out every harbor of any consequence, and specifying the works that a thorough system of defence will require, we will, in

order to give a comprehensive view of the number, cost, armament, and garrisons of the works, refer to statement 1, accompanying this report. In that statement the works are divided into tables, showing, separately, 1st, (table A,) the old works already repaired, and those proposed to be repaired and retained in the system of defence; 2d, (table B,) new works completed; 3d, (table C,) works under construction; 4th, (table D,) works to be first commenced; 5th, (table E,) works to be commenced next after those in table D; 6th, (table F,) works to be last commenced.

The most essential works on the Atlantic coast are included in the first five tables; and it appears from the recapitulation, that for these there will be required, for garrisons in time of war, 28,720 men; for the armament, 5,748 pieces of ordnance of every kind; and for the expense yet to be incurred, \$9,476,767.

We consider it to be our duty to estimate for the last class of works (table F,) although it must be a long time before permanent works at these positions can be commenced. For these there will be required, in addition, for war garrisons, 25,545 men; for armament, 4,790 pieces of ordnance; and for the expense of erection, \$14,241,824.

It must be here stated, that, as to a few of the works in table F, fuller information may require them to be elevated into some of the earlier classes.

SEACOAST FROM CAPE FLORIDA TO THE MOUTH OF THE SABINE.

The first positions that present themselves, on doubling around Cape Florida into the Gulf of Mexico, are *Key West* and *the Dry Tortugas*.

This board concur in the opinions heretofore expressed in favor of these fine harbors; and they beg leave to refer for very interesting statements in relation to the latter harbor especially, to a letter from Commodore Rodgers to the Secretary of the Navy, July 3, 1829, (Senate documents, 1st session 21st Congress, vol. 1, No. 1, page 236;) and letter from the Secretary of the Navy, March 25, 1830, (Senate documents, 1st session 21st Congress, vol. 2, No. 111, page 1.)

A naval force, designed to control the navigation of the Gulf could desire no better position than Key West or the Tortugas. Upon the wayside of the only path through the Gulf, it is, at the same time, well situated as to all the great points therein. It overlooks Havana, Pensacola, Mobile, the mouths of the Mississippi, and both the inlet and the outlet of the Gulf.

The Tortugas harbors, in particular, are said to afford perfect shelter for vessels of every class, with the greatest facility of ingress and egress. And there can be no doubt that an adversary in possession of large naval means would, with great advantage, make these harbors his habitual resort, his point of general rendezvous and concentration for all operations on the sea. With an enemy thus posted, the navigation of the Gulf, by us, would be imminently hazardous, if not impossible; and nothing but absolute naval superiority would avail any thing against him. Mere military means could approach no nearer than the nearest shore of the continent.

It is believed that there are no harbors in the Gulf at all comparable with these, that an enemy could resort to with his larger vessels. To deprive him of these, would, therefore, be interfering materially with any organized system of naval operations in this sea. The defence of these harbors would, however, do much more than this. It would transfer to

squadron, even should it be inferior, these most valuable positions : and could afford a point of refuge to our navy and our commerce, at the very place where it would be most necessary and useful.

In this report, already too much extended, we forbear to enlarge on this, merely adding that the complete and certain defence will not be difficult. By occupying two, or at most three, small islands, the harbors of the Tortugas (there being an inner and an outer harbor) may be thoroughly fortified. The works must be adequate to resist escalade, bombardment, cannonade from vessels, and to sustain a protracted investment ; but they will not be exposed to any operation resembling a siege, there can be no difficulty in fulfilling the conditions. They must have capacious magazines, be thoroughly bomb-proof, and be heavily armed.

The fortification of Key West should be of a similar character.

Details can be given until all these positions have been minutely surveyed with reference to defence.

A sum of \$3,000,000 was, some years ago, assumed by the Engineering Department as necessary to provide defences for the Tortugas and for Key West ; and this estimate may now be taken as ample. (Statement 2, table F.) Turning now to the shore of the Gulf, we find a portion, namely, from Pensacola to Florida to Pensacola, that has never been examined with particular reference to the defence of the harbors. Within this space there are *Charleston harbor, Espiritu Santo bay, Appalachicola bay, Appalachie bay, St. Marks bay, and Santa Rosa bay*. Nothing better can now be done than to give for these the estimate formerly presented by the Engineer Department, viz.: \$1,000,000 for all. (Statement 2, table F.)

It may be remarked, as applying to the whole Gulf coast, that, from the geographical position of this part of the seaboard, and the country inland in its safety, from the unhealthiness of the climate, nature of the adjacent country, and mixed character of the inhabitants, it will be some time before that portion within supporting distance, whose welfare may be endangered by an enemy, will be competent, of itself, to sustain a serious attack from the sea. Upon the Atlantic seaboard, the Alleghanies crowd the people upon the shore ; every important point on the coast being surrounded by a population dense now, and every day rapidly increasing in numbers ; the ocean and the interior parallel communications transmit rapid intelligence to the right and left. The coast of the Gulf, however, is thinly peopled, and is remote from succor from behind, and is almost inaccessible to assistance. Those reasons, therefore, which tend to establish the necessity of an organized, permanent, and timely system of defence for the seaboard of the United States, apply to this part of it with peculiar force.

We now pass on to the remaining points of defence on the Gulf.

Pensacola bay.—The upper arms of this considerable bay receive the water of the Suwannee river, Middle river, and Escambia river. The tributaries of the last, interlocking with the Alabama and the Chattahoochee, mark the routes whereby, at some future day, canals will convey a large quantity of the products of these rivers to Pensacola ; while the qualities and position of the harbor, and the favorable nature of the country, have already pointed out lines of railroad communication with a vast interior region.

Santa Rosa sound extends eastward, from the lower part of the bay, into *Santa Rosa bay*. On the west, the lagoons of Pensacola, Perdido, and Mosquito, respectively, interlock in such a manner as to require but a few

miles of cutting to complete a navigable channel from the first to the named bay, and thence, through an existing interior water communication to the city of New Orleans.

Pensacola bay has rare properties as a harbor. It is now accessible to frigates, and there is reason to hope that the bar may be permanently opened.

The bar is near the coast, and the channel across it straight and easily hit. The harbor is perfectly land-locked, and the roadstead very capacious. There are excellent positions within, for repairing, building, and launching vessels, and for docks and dock-yards, in healthy situations. The quantity of good water is abundant. The harbor is perfectly defensible. These properties, in connexion with the position of the harbor, as regards the city, have induced the Government to select it as a naval station and place of rendezvous and repair.

An excellent survey has been made of the bay of Pensacola, sufficient to form the scheme of defence for the town and harbor. Regarded, however, as an important naval station, and place of rendezvous and repair, which now is, further surveys, extending a greater distance back from the shore, delineating accurately the face of the country, and showing the several avenues by land and water, are found to be necessary.

The defences of the water passage, as projected, are nearly complete, \$22,000 being asked to finish them. A work is just begun at the point of the Barrancas. It is indispensable, in connexion with one or two small works designed to cover the navy-yard from a lateral attack from the western bays. The Barrancas work may require \$100,000, and others \$200,000; making a total for Pensacola of \$322,000. (Statement 2, tables A, C, and F.)

Perdido bay.—This bay is intimately related to Pensacola and Mobile bays, both as regards security and intercommunication, and should be fully surveyed with a view to these objects. It must be fortified, and the cost may be \$200,000. (Statement 2, table F.)

Mobile bay.—The plan of defence for this bay comprises a fort needing some repairs, for Mobile point. Another fort is projected for Dauphin island, and a tower for the defence of Pass-au-Heron. The cost for all require \$915,000. (Statement 2, tables A, E, and F.)

New Orleans and the delta of the Mississippi.—The most important water communication between the Mississippi and the Gulf is by the passage called the Rigolets, connecting Lake Borgne and Lake Pontchartrain. Next is the pass of Chef Menteur, also connecting these lakes. Through these passages, an enemy, entering Lake Pontchartrain, would, at the same time that he intercepted all water communication with Mobile and Pensacola, be able to reach New Orleans from the southern shore of the lake. He might continue onward, through Lake Maurepas, Amite river, and Iberville river, thereby reaching the Mississippi at the very head of the delta; or, landing within the mouths of the Chef Menteur, he might move against the city along the ridge of the Gentilly road.

To the southwest of Chef Menteur, and at the head of Lake Borgne, Bayou Bienvenue, a navigable channel, (the one followed by the English army in the last war,) not running quite to the Mississippi, but bounded by shores of such a nature as to enable troops to march from the point of embarkation to the city.

These avenues are defended by Fort Pike, at the Rigolets; by Fort Wood, at Chef Menteur; by a small fort at Bayou Bienvenue; and by a fort at Bayou Dupré.

The defences of the Mississippi are placed at the Plaquemine turn, at seventy miles below New Orleans—the lowest position that can be occupied. Fort Jackson is on the right bank, and Fort St. Philip, a little way down, on the left.

As these forts have been abandoned for several years; and, having received no attention in the way of timely repairs, now require repairs somewhat extensive—especially Forts Jackson and St. Philip, on the Mississippi. Following sums, it is believed, will be required to place all these works in perfect order, viz: Fort Pike, \$5,000; Fort Wood, \$3,580; fort on Bayou Bienvenue, \$2,500; Tower Dupré, \$400; Fort Jackson, \$20,000; Fort St. Philip, \$3,300. (Statement 2, table A.)

The most western avenue by which New Orleans is approachable from the sea, passes on the west side of the island of Grande Terre into Barratar bay, which is an excellent harbor for a floating force, guarding the shipping trade on that side of the Mississippi. From this bay there are several passages leading to New Orleans. The estimate for a work which is about to be begun on Grande Terre island is \$325,000. (Statement 2, table C.)

Several times in this report we have alluded to circumstances which demand the employment of floating defences, in addition to fixed defences upon the shore. We have here an instance in which that kind of defence would be very useful. Fortifications will enable us to protect New Orleans even from the most serious and determined efforts of an enemy; owing to the great width of some of the exterior passages, we cannot, by fortification alone, deprive an enemy of anchorages, (especially that of Chef Menteur island,) nor cover entirely the exterior water communication between the Rigolets and Mobile. We must, therefore, either quietly submit to the annoyance and injury that an enemy in possession of these passages may inflict, or avert them by a timely preparation of a floating force adapted to their peculiar navigation, and capable, under the shelter of the fortifications, of being always on the alert, and of assuming an offensive or defensive attitude, according to the designs, conduct, or situation of the enemy. After examination of the coast, from Cape Florida to the Sabine, having been completed, we will, as in the case of the Atlantic coast, refer, for a comprehensive view of the number, cost, armament, and garrison of the works, to statement 2, wherein the works are divided into tables similar to those of statement 1.

The more essential works on the Gulf coast, included in the first five tables, will require for garrison, in time of war, 4,420 men; for the armament, 794 pieces of ordnance of every kind; and for the expense yet to be incurred, \$516,780.

The works comprised in the last table (F) are generally such as may be considered to a late day. But among them have been placed some (as, for example, those for Tortugas and Key West) as to which the examination has not been sufficiently minute to decide to what class they really apper-

tinues. In this age of great improvements in the means of locomotion, it would be difficult to decide, without pressing need, on the details of the floating defences required at certain points on the Atlantic and Gulf of Mexico coasts—

perhaps even on the nature of the moving power. Although the probability is, that the power will be steam, genius may, in the future, devise something still better than steam.

And we may here remark, in relation to the preparation of steam for warlike purposes generally, that wisdom would seem to direct cautious and deliberate progress. Every new vessel may be expected to surpass, in important particulars, all that had preceded ; and, to surmount, as each succeeding vessel should be the result of careful study and trial of the preceding.

It may be considered unreasonable to expect that steam itself is the way to some agent still more potent, and at the same time not less manageable. But it certainly is no more than probable that steam vessels now under construction may be regarded almost as incumbrances within a few years.

A *deliberate* advance in this branch of naval construction is required the more, by our ability to construct these vessels in large numbers as needed, the timber being collected in the mean time.

Referring now to the tables which accompany this report :

Statement 1 includes all works from Passamaquoddy to Cape Cod ; statement 2, all works from Cape Florida to the mouth of the St. Johns ; each statement comprising six tables, as before mentioned.

In relation to every work executed, in progress, or merely projected, the tables show the garrison, the ordnance of every description, the sum expended, and the final cost.

As to works not yet planned, a portion of the same particulars are given, founded on conjecture merely ; of course, without laying claim to accuracy, but still as approximations, affording some indication of the probable result.

It may be well to give here a summary of all these tables.

The works which are likely to be erected on the Atlantic coast, within a reasonable time, and which are regarded as necessary to a good system of defence, will require war garrisons, amounting to 28,720 men ; and will require a further expenditure of \$9,176,767. Works called for in lineament upon the Gulf of Mexico coast, will need 4,420 men to garrison, and a further expenditure of \$516,780. Of the *whole coast*, there will be garrisons will amount to 33,140 men, and the expenditures to \$9,693,547.

The remaining works comprised in table F, of both statements, will require 30,695 men, and cost \$19,521,824.

Making the grand total for the whole seacoast of the United States, garrisons for the works 63,835 men, and in cost \$29,515,371.

In addition to these statements as to the fortifications, there are corresponding statements of the cost of the ordnance, of the carriages, of a certain supply of powder and shot, or shells, for each piece—one statement relating to the Atlantic coast, and the other to the Gulf of Mexico. From these it appears, that for the works likely to be erected on the Atlantic coast, within a reasonable time, (that is to say, for the works comprised in the first five tables, A, B, C, D, and E,) there will be needed 2,483 pieces of ordnance, and 4,511 carriages, which will cost \$2,252,290.

For similar works on the Gulf of Mexico coast, there will be needed 1,000 pieces of ordnance, and 495 carriages, at a cost of \$240,720.

The remaining works named in tables F, of both statements, will require, in addition, 5,447 guns and 5,554 carriages, which will cost \$3,731,000.

ing the grand total required for the whole seacoast 8,226 guns and carriages, at a cost of \$6,228,340.

time required to construct and put in order the whole system must be on the amount of the annual appropriation. All that need now be the subject is, that in an undertaking necessarily involving so much of such vital importance, there should be no relaxation of diligence. If diligence, many years must necessarily be consumed. But the work too much hurried, as well as too much delayed. There is a rate of at which it will be executed in the best manner, and at the minimum. If more hurried, it will be defective in quality, and more costly.

It was at least fifty years completing her maritime and interior de-

The report presented by the Engineer Department, in March, 1836, document, 1st session 24th Congress, vol. 4, No. 293,) there is a definition of the actual economy that will result from an efficient system of coast defence; which is to the following effect, referring to the document for details.

It is first supposed to be an expedition of 20,000 men at Bermuda, or ready to fall upon the coast. This will make it necessary, if there are fortifications, to have ready a force at least equal, at each of the following points, namely: 1st. Portsmouth and navy-yard. 2d. Boston and navy-yard. 3d. Narragansett roads. 4th. New York and navy-yard. 5th. Philadelphia and navy-yard. 6th. Baltimore. 7th. Norfolk and navy-yard. 8th. Charleston, S. C. 9th. Savannah; and 10th. New Orleans; to say nothing of other important places.

At each of these places, except the last, 10,000 men drawn from the interior and kept under pay, will suffice; the vicinity being relied on to supply the remainder. At New Orleans, 17,000 men must be drawn from a distance. In a campaign of six months, the whole force will cost at least \$1,000,000.

The garrisons necessary to be kept under pay for the fortifications in these places will cost for the same time \$8,430,500. The difference (\$18,319,500) will be only \$3,448,156 less than the whole expense of building these fortifications, viz: \$21,767,656. Whence it follows, that the expense of these fortifications would be nearly compensated by the saving they would cause in a campaign.

which is respectfully submitted.

JOS. G. TOTTEN,
Colonel Engineers.

S. THAYER,

Lieut. Colonel Engineers, Brev. Colonel.

T. CROSS,

Colonel, Assistant Quartermaster General.

G. TALCOTT,

Lieutenant Colonel Ordnance.

STATEMENT 1.

Of the fortifications constructed, constructing, or repairing, and from Passaic

Classification.	Designation of the works.	Garrison in war.				
			42-pounders.	32-pounders.	24-pounders.	18-pounders.
	<i>A.—Old works repaired, and those proposed to be repaired, with the amounts expended, and the amounts required to put them in a servicable condition.</i>					
1	Fort Sullivan, Eastport, Maine	180	—	5	21	—
2	Fort Edgecomb, Wiscasset, Maine	60	—	—	—	—
3	Fort Preble, Portland harbor, Maine	100	—	—	—	—
4	Fort Scammel, House island, Portland, Me.	80	—	—	8	—
5	Fort McCleary, Portsmouth, N. H.	80	—	5	—	—
6	Fort Constitution, N. H.	250	—	21	—	—
7	Fort at Gloucester, Mass.	80	—	8	—	—
8	Fort Pickering, Salem, Mass.	60	—	—	6	—
9	Fort Lee, Mass.	40	—	6	—	—
10	Fort Sewall, Marblehead, Mass.	125	—	—	18	—
11	Fort Independence, Boston, Mass.	500	6	—	25	—
12	Fort Winthrop, Governor's island, Boston, Mass.	—	—	—	16	—
13	West-head battery, Governor's island, Boston, Mass.	150	—	7	—	—
14	Southeast battery, Governor's island, Boston, Mass.	—	7	—	—	—
15	Fort at New Bedford, Mass.	60	—	—	9	—
16	Fort Wolcott, Newport, R. I.	200	—	—	34	—
17	Fort Green, Newport, R. I.	40	—	—	8	—
18	Fort Hale, New Haven, Conn.	30	—	—	6	—
19	Fort Columbus, Governor's island, N. Y.	—	—	53	26	—
20	Castle Williams, Governor's island, N. Y.	800	26	26	18	—
21	South Battery, Governor's island, N. Y.	—	—	5	5	—
22	Fort Gibson, Ellis's island, N. Y.	80	10	—	—	—
23	Fort Wood, Bedlow's island, N. Y.	200	16	26	—	9
24	Fort Richmond, Staten island, N. Y.	—	27	—	—	—
25	Fort Tompkins, Staten island, N. Y.	—	—	—	32	—
26	Battery Hudson, Staten island, N. Y.	1,000	40	—	—	—
27	Battery Morton, Staten island, N. Y.	—	9	—	—	—
28	Fort Mifflin, Delaware river, Penn.	200	—	—	28	—
29	Fort McHenry, Baltimore, Md.	350	19	11	—	—
30	Fort Madison, Annapolis, Md.	80	—	6	—	—
31	Fort Severn, Annapolis, Md.	60	—	—	7	—
32	Fort Johnston, Cape Fear river, N. C.	80	—	—	10	—
33	Castle Pinckney, Charleston, S. C.	50	8	—	—	—
34	Fort Moultrie, Charleston, S. C.	300	—	30	—	3
35	Beaufort battery, S. C.	30	—	—	6	—
36	Fort Jackson, Savannah river, Georgia	70	—	—	10	—
37	Fort Marion, St. Augustine, Florida	30	—	—	6	—
38	Fort Hamilton, New York harbor, N. Y.	—	—	—	—	—
39	Fort Lafayette, New York harbor, N. Y.	—	—	—	—	—
40	Fort Washington, Potomac river, Md.	—	—	—	—	—
41	Fort Macon, Beaufort, N. C.	—	—	—	—	—
		5,445	168	268	343	5

* Garrison and armament will contribute to those of new fort. †

STATEMENT 1.

and to be constructed or repaired for the defence of the seacoast, Cape Florida.

Mort.								Expended.	Required to complete.	Total cost of repairs or construction.
8-inch howitzers, light.	13-inch mortars.	10-inch mortars, heavy.	10-inch mortars, light.	8-inch mortars, light.	16-inch stone mortars.	Cohorns.	Total.			
-	1	2	-	-	-	-	36	-	\$10,000	\$10,000
-	-	-	-	-	-	-	12	-	5,000	5,000
-	2	2	-	-	-	-	23	\$5,086	3,900	8,986
-	1	2	-	-	-	-	17	440	3,400	3,840
-	-	-	-	-	-	-	15	1,990	750	2,740
-	2	4	-	-	-	-	52	2,590	3,671	6,261
-	-	2	-	-	-	-	15	-	10,000	10,000
-	1	-	-	-	-	-	11	-	5,000	5,000
-	-	-	-	-	-	-	8	-	2,000	2,000
-	2	4	-	-	-	-	25	-	10,000	10,000
-	-	-	-	-	-	-	121	229,594	230,000	459,594
-	-	2	-	-	-	-	18	-	100,000	100,000
-	-	-	-	-	-	-	7	-	5,000	5,000
-	-	-	-	-	-	-	7	-	5,000	5,000
-	1	2	-	-	-	-	12	-	5,000	5,000
-	-	2	-	-	-	-	43	-	10,000	10,000
-	-	-	-	-	-	-	8	-	2,000	2,000
-	2	12	-	-	-	-	6	-	5,000	5,000
-	-	-	-	-	-	-	105	} 205,722	1,662	} 216,619
-	-	-	-	-	-	-	78		5,735	
-	1	-	-	-	-	-	14		3,500	
-	2	2	-	-	-	-	15		10,000	10,000
-	2	-	-	-	-	-	60	-	150,000	150,000
-	4	8	-	-	-	1	27	} -	450,000	450,000†
-	-	-	-	-	-	-	64		-	-
-	-	-	-	-	-	-	40		-	-
-	-	-	-	-	-	-	9		-	-
-	4	4	-	-	-	-	44	76,783	-	76,783‡
-	2	7	-	-	-	2	74	140,000	-	140,000‡
-	1	4	-	-	-	-	18	-	5,000	5,000
-	-	2	-	-	-	-	14	-	5,000	5,000
-	-	-	-	-	-	-	10	-	5,000	5,000
-	1	1	-	-	-	-	9	37,114	7,000	44,114
-	-	-	-	-	-	-	54	-	10,000	10,000
-	-	-	-	-	-	-	6	-	5,000	5,000
-	-	-	-	-	-	-	14	-	50,000	50,000
-	-	-	-	-	-	-	6	-	50,000	50,000
-	-	-	-	-	-	-	-	-	20,000	20,000
-	-	-	-	-	-	-	-	-	5,000	5,000
-	-	-	-	-	-	-	-	-	20,000	20,000
-	-	-	-	-	-	-	-	-	10,000	10,000
97	64					3	1,097	699,319	1,227,918	1,927,237

of New York. ‡ Repairs completed. # Included in table B.

STATEMENT

Classification.	Designation of the works.	Garrison in wat.				
			42-pounders.	32-pounders.	24-pounders.	18-pounders.
B.—New works completed.						
1	Fort Hamilton, New York harbor, N. Y.	800	11	18	-	5
2	Fort Lafayette, New York harbor, N. Y.	370	24	24	18	-
3	Fort Washington, Potomac river, Md.	400	-	-	66	-
4	Fort Macon, Beaufort, N. C.	300	-	12	15	4
		1,870	35	54	99	9
C.—Works under construction.						
1	Fort Warren, George's isl'd, Boston, Mass.	1,500	64	137	58	-
2	Fort Adams, Newport, R. I.	2,440	19	90	93	21
3	Fort Trumbull, New London, Conn.	350	14	14	14	3
4	Fort Schuyler, Throg's neck, N. Y.	1,250	48	48	70	8
5	Fort Delaware, Delaware river	750	32	32	54	-
6	Fort Monroe, Old Point Comfort, Va.	2,450	42	189	10	14
7	Fort Calhoun, Hampton roads, Va.	1,120	51	54	28	-
8	Fort Caswell, Oak island, N. C.	400	-	20	33	2
9	Fort Sumter, Charleston, S. C.	690	41	41	33	-
10	Fort Pulaski, Cockspur island, Georgia	800	-	65	53	4
		11,740	354	690	510	58
D.—Works to be first commenced.						
1	Fort at Bucksport, Penobscot river, Me.	500	-	45	50	4
2	Fort at mouth of Kennebeck river, Me.	500	-	45	52	1
3	Fort Scammel, House island, Portland, Me.	250	-	17	18	-
4	Works in Portsmouth harbor, N. H.	750	-	45	52	4
5	Fort Pickering, Salem, Mass.	300	-	16	21	2
6	Fort on Jack's point, Marblehead, Mass.	350	-	32	20	2
7	Works at Provincetown, Cape Cod, Mass.	1,000	10	56	56	-
8	Works at New Bedford, Mass.	750	-	45	52	4
9	Fort on Rose isl'd, Narragansett roads, R. I.	470	30	27	21	-
10	Fort on Solly's point flats, Md.	600	38	76	33	-
11	Fort on Thomas's point, Patuxent river, Md.	350	-	20	25	2
		6,020	108	424	400	28
	Deduct garrison and guns of Nos. 4, 7, 8, and 15, of A	280	-	8	23	-
		5,740	108	416	377	28
E.—Works to be commenced next after those in D.						
1	Fort Preble, Portland harbor, Me.	300	8	15	15	4
2	Works at Gloucester, Mass.	500	16	30	23	-
3	Closing Broad Sound pass, Boston harbor, Mass.	-	-	-	-	-
4	Works at Gurnet point, Plymouth, Mass.	500	-	-	23	4
5	Works at Stonington point, Conn.	375	-	20	36	-
6	Fort on Cedar point, Potomac river, Md.	550	-	24	50	2
7	Works at Georgetown harbor, S. C.	500	-	20	44	2
8	Works in Port Royal roads, S. C.	550	-	24	50	2
9	Works on Tybee isl'd, Savannah river, Ga.	100	-	16	-	-
10	Works at Cumberland sound, St. Mary's river, Ga.	550	-	20	56	2
		3,925	24	169	289	16

* Not projected; guns, cast, &c., on

red.

								Expended.	Required to complete.	Total cost of repairs or construction.
light.	13 inch mortars.	10 inch mortars, heavy.	10 inch mortars, light.	8-inch mortars, light.	16-inch stone mortars.	Coborns.	Total.			
-	2	4	-	2	1	5	118	\$479,236	-	\$479,236
-	-	-	-	-	-	-	76	318,305	-	318,305
-	-	2	-	2	-	-	80	454,103	-	454,103
-	-	2	-	-	-	2	62	349,500	-	349,500
-	2	8	-	4	1	7	336	1,601,144	-	1,601,144
-	8	16	-	-	-	-	336	470,000	\$470,000	940,000
7	3	7	5	7	1	25	458	1,330,060	148,482	1,478,542
-	1	3	1	1	-	4	79	30,000	243,000	273,000
6	2	7	3	5	2	12	318	450,000	290,000	740,000
-	1	2	-	-	-	-	151	363,800	491,000	854,800
5	3	7	3	5	5	15	371	1,806,917	223,367	2,030,284
-	-	-	-	-	-	-	224	1,567,726	416,000	1,983,726
-	-	-	-	-	-	-	64	491,179	6,000	497,179
-	-	-	-	-	-	-	136	226,921	286,000	512,921
2	1	7	-	-	-	2	150	665,308	215,000	900,308
0	19	40	12	18	8	58	2,287	7,421,911	2,788,849	10,210,760
2	-	4	2	2	1	2	148	-	150,000	150,000
2	-	4	2	2	1	2	150	-	300,000	300,000*
-	-	-	-	-	-	-	46	-	48,000	48,000
2	-	4	2	2	1	2	150	-	300,000	300,000*
-	1	4	-	-	-	2	73	-	174,000	174,000
2	1	4	-	-	1	4	88	-	144,000	144,000
-	2	6	2	2	-	-	200	-	600,000	600,000*
2	-	4	2	2	1	2	150	-	300,000	300,000*
-	1	3	-	-	-	-	94	-	150,000	150,000
2	1	2	-	-	-	2	159	-	1,000,000	1,000,000
-	-	-	-	-	-	-	69	-	259,000	259,000
2	6	35	10	10	5	16	1,327	-	3,425,000	3,425,000
-	3	6	-	-	-	-	55	-	-	-
2	3	29	10	10	5	16	1,272	-	3,425,000	3,425,000
2	-	-	-	-	1	4	78	-	155,000	155,000†
-	1	2	-	-	-	-	100	-	200,000	200,000†
-	-	-	-	-	-	-	-	-	210,000	210,000†
-	-	2	-	-	-	-	50	-	100,000	100,000†
-	1	2	-	-	-	-	75	-	200,000	200,000†
2	1	3	-	2	-	-	110	-	300,000	300,000†
-	-	2	-	2	-	-	100	-	250,000	250,000†
-	1	3	-	2	-	-	110	-	300,000	300,000†
-	-	2	-	-	-	-	23	-	120,000	120,000†
1	-	3	-	2	-	-	110	-	200,000	200,000†
1	4	19	-	8	1	4	766	-	2,035,000	2,035,000

ected. † Guns, cost, &c., conjectural.

STATEMENT

Classification.	Designation of the works.	Garrison in war.					
			42-pounders.	32-pounders.	24-pounders.	18-pounders.	12-pounders.
	<i>F—Works to be last commenced.</i>						
1	Works in Eastport harbor, Me. -	250	-	-	-	-	-
2	Works in Machias harbor, Me. -	250	-	-	-	-	-
3	Works on Mount Desert island, Me. -	1,000	-	-	-	-	-
4	Works at Castine, Me. -	■	-	-	-	-	-
5	Works at St. George's bay, Me. -	-	-	-	-	-	-
6	Works at Damariscotta bay, Me. -	-	-	-	-	-	-
7	Works at Broad bay, Me. -	1,000	-	-	-	-	-
8	Works at Sheepscot bay, Me. -	-	-	-	-	-	-
9	Works in Hog island channel, Portland, Me. -	150	-	-	-	-	-
10	Works at the mouth of Saco river, Me. -	-	-	-	-	-	-
11	Works at the mouth of Kennebunk river, Me. -	150	-	-	-	-	-
12	Works at York, Me. -	-	-	-	-	-	-
13	Works at Newburyport, Mass. -	■	-	-	-	-	-
14	Works at Beverly, Mass. -	125	-	-	-	-	-
15	Works at Nangus head, Salem, Mass. -	180	-	-	-	-	-
16	Works at Fort Sewall, Marblehead, Mass. -	280	-	-	-	-	-
17	Fort and outworks at Nantasket head, Boston, Mass. -	1,700	-	-	-	-	-
18	Redoubt on Hog island, Boston harbor, Mass. -	-	-	-	-	-	-
19	Works at Nantucket harbor, Mass. -	-	-	-	-	-	-
20	Works at Edgartown, Mass. -	-	-	-	-	-	-
21	Works at Falmouth, Mass. -	625	-	-	-	-	-
22	Works at Holmes's Hole, Mass. -	-	-	-	-	-	-
23	Works at Tarpanlin cove, Mass. -	-	-	-	-	-	-
24	Works at Canonicut island, R. I. -	1,800	-	-	-	-	-
25	Closing west passage of Narraganset roads, R. I. -	-	-	-	-	-	-
26	Fort Griswold, New London, Conn. -	500	-	-	-	-	-
27	Works at the mouth of Connecticut river, Conn. -	250	-	-	-	-	-
28	Fort Hale, New Haven harbor, Conn. -	■	-	-	-	-	-
29	Fort Wooster, New Haven harbor, Conn. -	120	-	-	-	-	-
30	Works for harbors and towns between New Haven and New York -	500	-	-	-	-	-
31	Works in Gardiner's bay, Long Island sound, N. Y. -	750	-	-	-	-	-
32	Works in Sag harbor, N. Y. -	250	-	-	-	-	-
33	Fort on Wilkins's point, Long island, N. Y. -	1,336	-	-	-	-	-
34	Redoubt in advance of Fort Tompkins, Staten island, N. Y. -	800	-	-	-	-	-
35	Fort on Middleground shoal, Sandy Hook, N. Y. -	1,760	-	-	-	-	-
36	Fort on East Bank shoal, Sandy Hook, N. Y. -	1,760	-	-	-	-	-
37	Fort at Delaware breakwater -	1,125	-	-	-	-	-
38	Fort opposite Fort Delaware, Del. -	760	-	-	-	-	-
39	Fort on Elk river, Md. -	169	-	-	-	-	-
40	Fort on Hawkins point, Md. -	800	-	-	-	-	-
41	Works at Annapolis harbor, Md. -	500	-	-	-	-	-
42	Fort on Point Patience, Patuxent river, Md. -	400	-	-	-	-	-
43	Works at St. Mary's, Potomac river, Md. -	550	-	-	-	-	-
44	Works at Bald Head, Cape Fear river, N. C. -	450	-	-	-	-	-

• Guns of Fort Sullivan, No. 1, A.

estimated.

Actual.								Expended.	Required to complete.	Total cost of repairs or construction.
8-inch howitzers, light.	13-inch mortars.	10-inch mortars, heavy.	10-inch mortars, light.	8-inch mortars, light.	16-inch stone mortars.	Coborns.	Total.			
-	-	-	-	-	-	-	-	-	\$100,000	\$100,000*
-	-	-	-	-	-	-	50	-	100,000	100,000†
-	-	-	-	-	-	-	200	-	500,000	500,000†
-	-	-	-	-	-	-	25	-	50,000	50,000†
-	-	-	-	-	-	-	200	-	400,000	400,000†
-	-	-	-	-	-	-	21	-	135,000	135,000†
-	-	-	-	-	-	-	30	-	75,000	75,000†
-	-	-	-	-	-	-	50	-	100,000	100,000†
-	-	-	-	-	-	-	25	-	50,000	50,000†
-	-	-	-	-	-	-	40	-	51,000	51,000†
-	-	-	-	-	-	-	55	-	174,000	174,000†
-	-	-	-	-	-	-	334	-	1,020,000	1,020,000†
-	-	-	-	-	-	-	125	-	250,000	250,000†
-	-	-	-	-	-	-	403	-	1,200,000	1,200,000†
-	-	-	-	-	-	-	82	-	307,000	307,000
-	-	-	-	-	-	-	-	-	198,000	198,000†
-	-	-	-	-	-	-	50	-	100,000	100,000†
-	-	-	-	-	-	-	25	-	48,000	48,000†
-	-	-	-	-	-	-	12	-	42,000	42,000†
-	-	-	-	-	-	-	100	-	200,000	200,000†
-	-	-	-	-	-	-	150	-	400,000	400,000†
-	-	-	-	-	-	-	50	-	100,000	100,000†
-	-	-	-	-	-	-	195	-	686,000	686,000†
-	-	-	-	-	-	-	26	-	52,000	52,000†
-	-	-	-	-	-	-	332	-	1,681,412	1,681,412†
-	-	-	-	-	-	-	332	-	1,681,412	1,681,412†
-	-	-	-	-	-	-	225	-	609,000	609,000†
-	-	-	-	-	-	-	112	-	521,000	521,000†
-	-	-	-	-	-	-	25	-	50,000	50,000†
-	-	-	-	-	-	-	131	-	376,000	376,000†
-	-	-	-	-	-	-	100	-	250,000	250,000†
-	-	-	-	-	-	-	87	-	246,000	246,000†
-	-	-	-	-	-	-	110	-	300,000	300,000†
-	-	-	-	-	-	-	87	-	180,000	180,000†

conjectural. † Works projected.

STATEMENT

Classification.	Designation of the works.	Garrison in war.					
			42-pounders.	32-pounders.	24-pounders.	18-pounders.	12-pounders.
F—Continued.							
45	Works at Federal point, Cape Fear river, N. C.	200	-	-	-	-	-
46	Works at the mouth of Santee river, S. C.	250	-	-	-	-	-
47	Works at Bull's bay, and other inlets, S. C.		-	-	-	-	-
48	Works at Stono sound, S. C.	375	-	-	-	-	-
49	Works at North Edisto sound, S. C.		-	-	-	-	-
50	Works at South Edisto sound, S. C.	375	-	-	-	-	-
51	Works at St. Helena sound, S. C.		-	-	-	-	-
52	Works at Wassaw sound, Georgia	4,000	-	-	-	-	-
53	Works at Ossabaw sound, Georgia		-	-	-	-	-
54	Works at St. Catharine's sound, Georgia		-	-	-	-	-
55	Works at Sapelo sound, Georgia		-	-	-	-	-
56	Works at Doby inlet, Georgia		-	-	-	-	-
57	Works at Altamaha sound, Georgia		-	-	-	-	-
58	Works at St. Simon's sound, Georgia		-	-	-	-	-
59	Works at St. Andrew's sound, Georgia	-	-	-	-	-	
		25,740	574	1,390	1,366	86	100
Deduct garrison and guns of Nos 9, 10, and 18, of A		195	-	8	24	-	-
		25,545	574	1,382	1,342	86	100
RECAPITULATION.							
A Old forts and batteries		5,445	168	268	343	5	20
B New fortifications completed		1,870	38	54	99	9	10
C Fortifications under construction		11,740	354	690	510	53	60
D Fortifications to be first commenced		5,740	108	416	377	22	24
E Fortifications to be next constructed		3,925	24	169	-	16	15
		28,720	-	1,597	1,649	104	109
F Fortifications to be last commenced		25,545	574	1,382	1,342	86	100
		54,265	1,266	2,979	2,991	190	209

• Work upon

WASHINGTON, April 23, 1840.

13-inch mortars.	10-inch mortars, heavy.	10-inch mortars, light.	8-inch mortars, light.	16-inch stone mor- tars.	Cohorns.	Total.	Expended.	Required to complete.	Total cost of re- pairs or con- struction.
-	-	-	-	-	-	40	-	\$18,000	\$18,000.
-	-	-	-	-	-	50	-	100,000	100,000†
-	-	-	-	-	-	75	-	150,000	150,000†
-	-	-	-	-	-	75	-	150,000	150,000 †
-	-	-	-	-	-	800	-	1,600,000	1,600,000†
46	145	17	33	12	73	4,820	-	14,241,824	14,241,824
-	2	-	-	-	-	39	-	-	-
46	143	17	33	12	73	4,790	-	14,241,824	14,241,824
27	64	-	-	-	3	1,097	699,319	1,237,918	1,937,237
2	8	-	4	1	7	336	1,601,144	-	1,601,144
19	49	12	18	8	58	2,287	7,421,911	2,788,849	10,210,760
3	29	10	10	5	16	1,272	-	3,425,000	3,425,000
4	19	-	8	1	4	756	-	2,035,000	2,035,000
66	169	22	41	15	88	5,748	9,722,374	9,476,767	19,199,141
46	143	17	33	12	73	4,790	-	14,241,824	14,241,824
101	312	39	73	27	161	10,538	9,722,374	23,718,591	33,440,965

cc., conjectural.

board.

JOS. G. TOTTEN, Col. Eng.

*Estimated cost of ordnance of all kinds required for the armament
100 rounds of.*

				11-pound. guns.	32-pound. guns.	24-pound. guns.
Old forts and batteries. Table A.	Required - - -	-	-	168	268	343
	On hand - - -	-	-	168	268	343
	To be provided -	-	-	-	-	-
New fortifications completed. Table B.	Required - - -	-	-	38	54	99
	On hand - - -	-	-	13	54	99
	To be provided -	-	-	25	-	-
Fortifications under construction. Table C.	Required - - -	-	-	354	690	5
	On hand - - -	-	-	-	690	1
	To be provided -	-	-	354	-	-
Fortifications to be first commenced. Table D.	Required - - -	-	-	108	416	-
	On hand - - -	-	-	-	416	-
	To be provided -	-	-	108	-	-
Fortifications to be next constructed. Table E.	Required - - -	-	-	24	169	-
	On hand - - -	-	-	-	-	-
	To be provided -	-	-	24	169	-
Required from A to E -				692	1,59	-

agreeably to statement 1, embracing cannon mounted and
 & pieces.

CANNON.

	8-inch seacoast howitzers.	8-inch siege howitzers.	13-inch mortars.	10-inch heavy mortars.	10-inch light mortars.	8-inch light mor- tars.	16-inch stone mortars.	Cohorns.	Whole number of cannon.
14	114	-	27	64	-	-	-	3	1,087
	21	-	-	19	-	-	-	-	895
14	93	-	27	45	-	-	-	3	208
32	27	-	2	8	-	4	1	7	336
	-	-	-	-	-	1	-	-	204
62	27	-	2	8	-	-	1	7	111
134	166	20	19	49	12	18	8	58	2,287
	-	-	-	-	12	3	-	-	1,342
234	166	20	19	49	-	15	8	58	945
92	120	12	3	29	10	10	5	16	1,972
	-	-	-	-	7	-	-	-	761
92	120	12	3	29	3	10	5	16	511
70	52	6	4	19	-	8	1	4	756
	-	-	-	-	-	-	-	-	11
70	5	6	4	19	-	8	1	4	693
492	479	38	55	169	22	40	15	68	5,748
402	399	33	46	143	17	33	12	73	4,790
	-	-	-	-	-	-	-	-	225
402	399	33	46	143	17	33	12	73	4,565
894	878	71	101	312	39	73	27	161	10,538
	21	-	-	19	19	7	-	-	3,490
894	857	71	101	393	20	66	27	161	7,048

STATEMENT

				For 42-pound guns.	For 38-pound guns.	For 24-pound guns.	For 18-pound
Old forts and batteries Table A.	Required - - -	-	-	168	268	343	
	On hand - - -	-	-	50	268	343	
	To be provided -	-	-	118	-	-	
New fortifications completed. Table B.	Required - - -	-	-	39	54	99	
	On hand - - -	-	-	-	54	99	
	To be provided -	-	-	38	-	-	
Fortifications under construction. Table C.	Required - - -	-	-	354	680	530	
	On hand - - -	-	-	-	234	27	
	To be provided -	-	-	354	466	477	
Fortifications to be first commenced. Table D.	Required - - -	-	-	108	416	377	
	On hand - - -	-	-	-	-	-	
	To be provided -	-	-	108	416	377	
Fortifications to be next constructed. Table E.	Required - - -	-	-	21	169	200	
	On hand - - -	-	-	-	-	-	
	To be provided -	-	-	21	169	200	
Fortifications to be last constructed. Table F.	Required from A to E -	-	-	693	1,597	1,609	
	Required - - -	-	-	574	1,382	1,303	
	On hand - - -	-	-	-	-	-	
	To be provided -	-	-	574	1,382	1,303	
	Grand total required -	-	-	1,266	2,979	2,911	
	Grand total on hand -	-	-	50	546	478	
	Grand total to be provided	-	-	1,216	2,433	2,433	

vol.

CARRIAGES.

For field-guns.	For carriages.	For 8 inch sea-coast howitzers.	For 8-inch siege howitzers.	For 13-inch mortars.	For 10-inch heavy mortars.	For 10-m. light mortars.	For 8-inch light mortars.	For stone mortars.	For cohears.
87 87	34	114	-	27	64	-	-	-	1
-	34	114	-	27	64	-	-	-	2
14 14	62	27	-	2	8	-	4	1	7
-	62	27	-	2	8	-	11	1	7
28 28	234	121	20	19	10	12	18	8	10
-	234	166	20	19	10	12	18	8	10
23 23	92	120	12	3	20	10	10	6	10
-	92	190	12	11	20	10	10	6	16
23 23	11	62	6	4	19	-	8	1	10
-	70	59	11	11	11	-	8	1	4
106	111	479	36	65	169	22	40	15	10
129 129	402	399	11	46	143	17	11	11	10
-	402	111	11	46	143	17	33	11	12
106 106	884	878	71	101	319	30	73	27	161
106 106	894	878	71	101	319	30	73	27	161

STATEMENT

			48-pounder shot.	32-pounder shot.	24-pounder shot.
Old forts and batteries. Table A.	Required - - -	-	16,800	95,800	34,200
	On hand - - -	-	13,835	96,800	34,200
	To be provided - -	-	2,965	-	-
New fortifications completed. Table B.	Required - - -	-	3,600	5,400	9,000
	On hand - - -	-	-	5,400	9,000
	To be provided - -	-	3,600	-	-
Fortifications under construction. Table C.	Required - - -	-	25,400	69,000	11,200
	On hand - - -	-	-	69,000	30,000
	To be provided - -	-	25,400	-	19,000
Fortifications to be first commenced. Table D.	Required - - -	-	10,800	41,000	27,700
	On hand - - -	-	-	11,000	-
	To be provided - -	-	10,800	30,000	27,700
Fortifications to be next constructed. Table E.	Required - - -	-	2,400	16,000	22,000
	On hand - - -	-	-	-	-
	To be provided - -	-	2,400	16,000	22,000
Fortifications to be last constructed. Table F.	Required from A to E -	-	69,200	180,700	183,000
	Required - - -	-	57,400	180,000	124,000
	On hand - - -	-	-	-	-
	To be provided - -	-	57,400	180,000	124,000
	Grand total required -	-	126,600	267,500	307,000
	Grand total on hand -	-	13,835	112,200	73,200
	Grand total to be provided -	-	112,765	155,300	233,800

PROJECTILES.							WEIGHT FOR DIN.
	Shot for field- guns.	24-pound shells.	8-inch shells.	13-inch shells.	10-inch shells.	Charges for stone-mortars.	Pounds.
100	5,700	3,700	11,400	2,700	6,400	-	878,800
100	5,700	3,700	6,120	-	6,400	-	714,000
100	-	-	5,280	2,700	-	-	714,000
100	1,400	6,900	3,100	900	800	100	205,800
100	1,400	5,348	-	-	800	-	80,170
100	-	1,552	3,100	200	-	100	140,000
100	3,300	29,200	20,400	1,900	6,100	800	1,616,300
100	3,300	-	-	-	6,100	-	1,616,300
100	-	29,200	20,400	1,900	-	800	1,616,300
100	3,300	10,800	14,200	300	3,900	500	573,200
100	3,300	-	-	-	3,900	-	573,200
100	-	10,800	14,200	300	-	500	573,200
100	3,900	7,400	6,600	400	1,900	100	471,300
100	3,900	-	-	-	54	-	471,300
100	-	7,400	6,600	400	1,846	100	471,300
100	16,600	58,000	55,700	5,800	19,100	1,200	4,000,000
100	13,900	47,500	46,500	4,600	16,000	1,200	3,389,750
100	13,900	-	-	-	-	-	3,389,750
100	-	47,500	46,500	4,600	16,000	1,200	3,389,750
100	20,500	105,500	102,200	10,100	35,100	2,700	7,435,200
100	20,500	9,048	5,190	-	17,264	-	938,970
100	-	96,452	97,010	10,100	17,846	2,700	6,496,230

STATEMENT

Old forts and batteries. Table A - -	Required	-	-	-	-
	On hand	-	-	-	-
	To be provided	-	-	-	-
New fortifications completed. Table B -	Required	-	-	-	-
	On hand	-	-	-	-
	To be provided	-	-	-	-
Fortifications under construction. Table C -	Required	-	-	-	-
	On hand	-	-	-	-
	To be provided	-	-	-	-
Fortifications to be first commenced. Table D	Required	-	-	-	-
	On hand	-	-	-	-
	To be provided	-	-	-	-
Fortifications to be next constructed. Table E	Required	-	-	-	-
	On hand	-	-	-	-
	To be provided	-	-	-	1
	Required from A to E	-	-	-	-
Fortifications to be last constructed. Table F	Required	-	-	-	-
	On hand	-	-	-	-
	To be provided	-	-	-	-
	Grand total required	-	-	-	-
	Grand total on hand	-	-	-	-
	Grand total to be provided	-	-	-	-

Note.—The cost of saltpetre and brimstone

ORDNANCE OFFICE, Washington, January 16, 1840.

ned.

COST OF ARMAMENT.

non.	Of carriages.	Of projectiles.	Of powder.	Total amount.
935 00 115 00	\$361,935 00 242,375 00	\$203,340 00 151,782 40	\$175,760 00 175,760 00	\$1,144,970 00 908,038 40
380 00	119,560 00	51,557 60	-	236,937 00
165 00 105 00	105,455 00 55,275 00	47,283 00 28,454 00	41,160 00 12,034 00	298,968 00 164,869 00
980 00	50,180 00	18,829 00	29,126 00	134,095 00
770 00 360 00	739,590 00 99,025 00	351,484 00 164,284 00	323,260 00 -	2,231,104 00 765,669 00
410 00	640,565 00	187,200 00	323,260 00	1,465,435 00
405 00 925 00	411,685 00 6,900 00	189,547 00 39,560 40	174,860 00 -	1,226,497 00 337,386 40
480 00	404,785 00	148,986 60	174,860 00	889,111 00
410 00 500 00	240,320 00 11,700 00	102,333 00 4,203 60	94,260 00 -	680,323 00 27,408 00
910 00	228,620 00	98,129 40	94,260 00	652,919 40
565 00	1,858,985 00	892,987 00	809,300 00	5,581,857 00
110 00 480 00	1,551,500 00 41,700 00	746,770 00 17,203 00	677,750 00 -	4,668,130 00 91,303 00
710 00	1,509,800 00	729,568 00	677,750 00	4,573,828 00
685 00 405 00	3,410,485 00 456,975 00	1,639,757 00 405,486 40	1,487,050 00 187,794 00	10,249,987 00 2,297,660 40
580 00	2,953,510 00	1,234,270 60	1,299,256 00	7,952,326 60

ned at one-half of the cost of gunpowder.

STATEMENT 2.

*Of the fortifications constructed, constructing, or repairing, and of
from Cape Pk*

Classification.	Designation of the works.	Garrison in war.					
			42-pounders.	32-pounders.	24-pounders.	12-pounders.	
	<i>A—Old works repaired, and those proposed to be repaired, with the amounts expended, and the amounts required to put them in a serviceable condition.</i>						
1	Fort Barrancas, Pensacola, Fla. -	250	-	11	10	5	3
2	Fort St. Philip, Mississippi river, La. -	100	-	-	14	-	-
3	Fort Pickens, Pensacola harbor, Fla. -	-	-	-	-	-	-
4	Fort Morgan, Mobile point, Ala. -	-	-	-	-	-	-
5	Fort Pike, Rigolets, La. -	-	-	-	-	-	-
6	Fort Wood, Chef Menteur, La. -	-	-	-	-	-	-
7	Battery Bienvenu, La. -	-	-	-	-	-	-
8	Tower at Bayou Dupré, La. -	-	-	-	-	-	-
9	Fort Jackson, Mississippi river, La. -	-	-	-	-	-	-
		350		11	26	5	3
	<i>B—New works completed.</i>						
1	Fort Pickens, Pensacola, Fla. -	1,260	63	17	49	6	13
2	Fort Morgan, Mobile point, Ala. -	700	14	-	52	3	4
3	Fort Pike, Rigolets, La. -	500	-	-	28	-	1
4	Fort Wood, Chef Menteur, La. -	500	-	-	14	3	5
5	Battery Bienvenu, La. -	100	-	-	8	-	-
6	Tower at Bayou Dupré, La. -	50	-	-	4	-	-
7	Fort Jackson, Mississippi river, La. -	350	-	-	14	-	1
		3,060	77	17	211	11	21
	<i>C—Works under construction.</i>						
1	Fort on Foster's bank, Pensacola, Fla. -	650	24	24	66	-	-
2	Fort Livingston, Barrataria island, La. -	300	-	-	28	-	-
		950	24	24	94	-	-
	<i>D—Works to be constructed after those in C of statement 1 are completed.</i>						
1	Tower at Pass-au-Heron, Mobile bay, Ala. -	60	-	-	6	2	3
	<i>E—Works to be last commenced.</i>						
1	Works at Key West, or Tortugas, Fla. -	2,500	-	-	-	-	-
2	Works at Charlotte harbor, Fla. -	-	-	-	-	-	-
3	Works at Espiritu Santo bay, Fla. -	-	-	-	-	-	-
4	Works at Appalachicola bay, Fla. -	-	-	-	-	-	-
5	Works at Appalachie, Fla. -	-	-	-	-	-	-
6	Works at St. Joseph's bay, Fla. -	-	-	-	-	-	-
7	Works at Santa Rosa bay, Fla. -	-	-	-	-	-	-
8	Works to cover navy yard at Pensacola, Fla. -	100	-	-	-	-	-
9	Works at Perdido bay, Ala. -	400	-	-	-	-	-
10	Fort at Dauphin island, Mobile bay, Ala. -	900	-	-	-	-	-
		5,150	118	61	304	21	20

* Included in B. † Work prop.

STATEMENT

RECEIVED

Designation of the works.	Garrison in war.				
		49-pounders.	39-pounders.	24-pounders.	18-pounders.
A Old forts and batteries - - -	350	-	11	96	6
B New fortifications completed - - -	3,060	77	17	811	11
C Fortifications under construction - - -	950	94	84	94	-
D Works to be constructed after those in D of statement I are completed - - -	60	-	-	6	2
		4,430	101	59	337
E Works to be last commenced - - -	5,150	118	61	394	18
		9,570	219	113	731

WASHINGTON, April 23, 1840.

12-inch mortars.	10-inch mortars, heavy.	10-inch mortars, light.	8-inch mortars, light.	16-inch stone mortars.	Cohorns.	Total.	Expended.	Required to complete.	Total cost of repairs or construction.
1	1	1	1	1	1	532	\$75,000	\$152,780	\$227,780
1	1	1	1	1	1	181	3,142,906	339,000	3,481,906
1	1	1	1	1	1	19	377,648	25,000	716,648
1	1	1	1	1	1	19	-	25,000	25,000
1	1	1	1	1	1	794	3,601,564	516,780	4,118,344
1	1	1	1	1	1	928	-	5,280,000	5,280,000
1	1	1	1	1	1	1,722	3,601,564	5,796,780	9,398,344

board:

JOS. G. TOTTEN, Col. Engrs.

*Estimated cost of ordnance of all kinds, required for the armament
100 rounds of*

		49-pound guns.	32-pound guns.	24-pound guns.
Old forts and batteries. Table A.	Required - - -	-	11	2
	On hand - - -	-	11	2
	To be provided - -	-	-	-
New fortifications completed. Table B.	Required - - -	77	17	22
	On hand - - -	23	11	21
	To be provided - -	54	6	1
Fortifications under construction. Table C.	Required - - -	24	24	24
	On hand - - -	-	24	24
	To be provided - -	24	-	-
Works to be constructed after those in table D statement 1 are completed. Table E.	Required - - -	-	-	6
	On hand - - -	-	-	-
	To be provided - -	-	-	6
Works to be last commenced. Table F.	Required from A to E -	101	59	337
	Required - - -	118	61	204
	On hand - - -	-	-	-
	To be provided - -	118	61	204
	Grand total required -	219	120	541
	Grand total on hand -	23	35	25
	Grand total to be provided	196	85	516

and, agreeably to statement 2d, embracing cannon mounted, and each piece.

CANNON.

	Carronades.	8-inch ericsson howitzers.	8-inch siege-howitzers.	13-inch mortars.	10-inch heavy mortars.	10-inch light mortars.	8-inch light mortars.	11-inch stone mortars.	Coborns.	Whole number of cannon.
129	8	8	-	-	2	-	1	-	2	29
-	-	-	-	-	-	-	-	-	-	48
-	8	8	-	-	2	-	1	-	2	21
129	80	42	-	4	13	6	6	4	10	539
-	-	-	-	-	-	-	-	-	-	318
-	80	42	-	4	13	6	6	4	10	539
6	9	15	-	-	3	-	-	-	-	181
-	-	-	-	-	-	-	-	-	-	130
-	9	15	-	-	3	-	-	-	-	61
-	-	2	-	-	-	-	-	-	-	19
-	-	-	-	-	-	-	-	-	-	2
-	-	2	-	-	-	-	-	-	-	10
21	97	67	-	4	11	6	7	4	12	794
25	113	78	-	5	21	7	8	5	14	286
25	-	-	-	-	-	-	-	-	-	46
-	113	78	-	5	21	7	8	5	14	332
45	210	145	-	9	39	11	15	9	26	1,722
45	-	-	-	-	-	-	-	-	-	544
-	210	145	-	9	39	12	15	9	26	1,178

STATEMENT

		For 42-pound guns.	For 32 pound guns.	For 24-pound guns.
Old forts and batteries. Table A.	Required - - -	-	11	26
	On hand - - -	-	11	26
	To be provided - -	-	-	-
New fortifications completed. Table B.	Required - - -	77	17	211
	On hand - - -	-	17	211
	To be provided - -	77	-	-
Fortifications under construction. Table C.	Required - - -	24	24	94
	On hand - - -	-	7	6
	To be provided - -	24	17	88
Works to be constructed after those in table D statement I are completed. Table E.	Required - - -	-	-	6
	On hand - - -	-	-	-
	To be provided - -	-	-	6
Works to be last commenced. Table F.	Required from A to E -	101	52	337
	Required - - -	118	61	204
	On hand - - -	-	-	-
	To be provided - -	118	61	204
	Grand total required -	219	113	731
	Grand total on hand -	-	35	243
Grand total to be provided		219	78	488

1892.

CARRIAGES.

For 4-wheeled.	For carriages.	For 8 inch sea-coast howitzers.	For 8-inch siege howitzers.	For 13 inch mortars.	For 10-inch heavy mortars.	For 10-inch light mortars.	For 8-inch light mortars.	For siege mortars.	For columbs.
3	8	8	-	-	2	-	1	-	2
-	8	8	-	-	2	-	1	-	2
19 12	80	43	-	1	13	6	6	4	20
-	80	43	-	4	11	6	6	4	10
6 6	9	15	-	-	3				
-	9	15	-	-	3				
-	-	2							
-	-	2							
97	67	-	4	11	8	7	4	10	
113	78	-	5	21	7	8	5	14	
113	78	-	5	21	7	8	5	14	
210	145	-	9	20	13	10	9	26	
210	145	-	9	20	12	11	9	26	

STATEMENT

		42-pounder shot.	32-pounder shot.	24-pounder shot.
Old forts and batteries. Table A.	Required - - -	-	1,100	2,600
	On hand - - -	-	1,100	2,600
	To be provided - -	-	-	-
New fortifications completed. Table B.	Required - - -	7,700	1,700	21,000
	On hand - - -	-	1,700	21,000
	To be provided - -	7,700	-	-
Fortifications under construction. Table C.	Required - - -	2,400	2,400	9,400
	On hand - - -	-	2,400	5,000
	To be provided - -	2,400	-	4,400
Works to be constructed after those in table D statement I are completed. Table E.	Required - - -	-	-	600
	On hand - - -	-	-	-
	To be provided - -	-	-	600
	Required from A to E -	10,100	5,200	33,700
Works to be last commenced. Table F.	Required - - -	11,800	6,100	20,400
	On hand - - -	-	-	-
	To be provided - -	11,800	6,100	20,400
	Grand total required -	21,900	11,300	33,100
	Grand total on hand -	-	5,200	21,000
	Grand total to be provided	21,900	6,100	43,400

PROJECTILES.						CANNON POWDER.
Shot for field-guns.	24-pound shells.	8-inch shells.	13-inch shells.	10-inch shells.	Charges for stone mortars.	Pounds.
100 300	1,000 1,000	100 -	- -	200 200	- -	38,950 100,000
-	-	900	-	-	-	-
1,200 1,200	9,000 6,800	4,800 -	400 -	1,900 1,900	100 -	327,450 96,735
-	2,900	4,800	400	-	400	231,715
100 600	900 -	1,500 -	- -	300 300	-	100,000 100,400
-	900	1,500	-	-	-	100,000 100,400
-	-	900	-	-	-	6,700
-	-	900	-	-	-	6,700
2,100	10,900	7,400	400	2,400	400	485,500
2,500 2,500	12,700	8,600	500	2,800	500	579,850
-	19,700	8,600	500	2,800	500	579,850
4,800 4,600	23,600 7,800	16,000 -	900 -	6,200 2,400	900 -	1,075,350 134,665
-	15,800	16,000	900	2,800	900	240,665

STATEMENT

Old forts and batteries. Table A - -	Required	-	-	-	-
	On hand	-	-	-	-
	To be provided	-	-	-	-
New fortifications completed. Table B -	Required	-	-	-	-
	On hand	-	-	-	-
	To be provided	-	-	-	-
Fortifications under construction. Table C.	Required	-	-	-	-
	On hand	-	-	-	-
	To be provided	-	-	-	-
Works to be constructed after those in table D of statement 1 are completed. Table E.	Required	-	-	-	-
	On hand	-	-	-	-
	To be provided	-	-	-	-
	Required from A to E	-	-	-	-
Works to be last commenced. Table F -	Required	-	-	-	-
	On hand	-	-	-	-
	To be provided	-	-	-	-
	Grand total required	-	-	-	-
	Grand total on hand	-	-	-	-
	Grand total to be provided	-	-	-	-

NOTE.—The cost of saltpetre and brimstone

ORDNANCE OFFICE,
Washington, January 16, 1840.

1.

COST OF ARMAMENT.

n.	Carriages.	Projectiles.	Powder.	Total amount.
0 00 0 00	\$20,660 00 13,200 00	\$9,138 00 6,762 00	\$7,790 00 7,790 00	\$57,908 00 43,862 00
0 00	7,460 00	2,376 00	-	14,606 00
5 00 5 00	164,745 00 78,125 00	76,870 00 43,626 00	65,490 00 19,147 00	471,180 00 242,873 00
0 00	86,620 00	33,244 00	46,343 00	228,307 00
0 00 0 00	59,950 00 6,200 00	23,812 00 11,243 00	24,480 00 -	170,772 00 60,593 00
30 00	53,750 00	12,569 00	24,480 00	110,179 00
50 00 00 00	3,590 00 -	1,372 00 244 00	1,340 00 -	9,852 00 744 00
150 00	3,590 00	1,128 00	1,340 00	9,108 00
175 00	248,945 00	111,192 00	99,100 00	709,712 00
080 00 750 00	290,990 00 7,500 00	130,181 00 5,412 00	115,970 00 -	830,921 00 20,662 00
330 00	283,490 00	124,769 00	115,970 00	809,569 00
555 00 925 00	539,935 00 105,025 00	241,373 00 67,287 00	215,070 00 26,937 00	1,539,933 00 368,174 00
630 00	434,910 00	174,086 00	188,133 00	1,171,769 00

at one-half of the cost of gunpowder.

REPORT

ON

THE NORTHERN FRONTIER.

This frontier extends, as described by the terms of the resolution, from Lake Superior to Passamaquoddy bay, a distance of somewhat more than two thousand miles, binding all the way on the British American Provinces.

Whether we regard the strongly marked geographical features of this frontier, presenting, as it does, for the most part, a chain of great lakes or land seas, stretching along the border, the common property of both nations, and affording facilities for an extensive commerce, almost rival that of the ocean itself; or whether we look to the growing strength of colonial neighbors, fostered by the immense power and resources of mother country; its vast importance cannot fail to impress us with the necessity of being prepared, not only for defence along that line, but also to act offensively, with decisive effect, in the event of our being involved in conflict.

From the peculiar character of this frontier, its defence must necessarily partake somewhat of the system applicable to the seacoast; for, although it is denominated inland, in contradistinction to the latter, it is, nevertheless, maritime in many of its features, and must be treated accordingly for purposes of defence.

So important is the mastery on the lakes, in any military operation of that quarter, that it is scarcely to be doubted that, in the event of war, there will be some naval preparations on both sides, and a struggle for the ascendancy on those waters. Whichever Power shall acquire that, even temporarily, will have the means of assailing his adversary with great effect along the shores of the lakes, in the absence of fortifications, by occupying the harbors, destroying the towns, (some of which are fast advancing to the rank of cities,) and controlling the commercial operations of which the lakes constitute the principal channel. These considerations render it highly expedient—indeed, necessary—to fortify the larger harbors on the lakes as well as the more important passes on the straits and rivers by which they are connected.

Without entering fully into the military details of the subject, which might be deemed somewhat out of place here, regarding the object of the resolution, which seems to look rather to the expense involved, the board will proceed to enumerate the works of defence deemed necessary on the northern frontier, beginning at Lake Superior; merely glancing at the costs and advantages which are likely to result from the establishment of the works.

1. *Fort at Falls of St. Mary.*—A fort here will control the communication between Lake Huron and Lake Superior, and, at least, prevent an enemy from availing itself of it for purposes of communication and for transportation of supplies, if it does not secure those important advantages to us; which it would do, unless counteracted by a work on the British side of the line. In that event, almost certain to occur, it would be neutralized but would still serve to cover and protect our settlements along the St. Mary, and form a rallying point for local defence in times of alarm.

Estimated expense of fort, barracks, &c. - - - - - \$75,000

at Michilimackinac.—Although this position is interior, it is regarded of high importance from its naval relations. A fort here, in conjunction with float-works, may be made to command, effectually, the approach to Lake Michigan, and shut out an enemy who might obtain an ascendancy on Lake Huron; thus protecting the circumference of Lake Michigan from attacks to which it would otherwise be exposed, even from a small force securing it to ourselves, as a safe channel of communication with the rich and productive States in the rear, as it washes.

Estimated expense - - - - - 50,000

at the foot of Lake Huron.—A work here will command the outlet of Lake Huron, and interrupt the navigation at and Lake St. Clair and the river Detroit. It will also, to cover the settlements on that part of the frontier, and form a rallying point for the neighboring militia in defence.

Estimated expense - - - - - 50,000

and barrack establishment at Detroit.—In the war, Detroit would undoubtedly be a point of concentration of troops, not merely for the defence of the frontier, but for such offensive operations as might be deemed expedient in that quarter. It may be considered the centre of the upper section of the northern frontier, and has important relations, both geographical and political. Although true policy would, in such a case, dictate that chief efforts should be directed against the vital parts of the enemy's possessions as low down the line as possible, still it might become expedient, with a view to preventing his attention and divide his forces, to menace him at this point. This is one of the points from which he might operate by minor expeditions, especially if he should relax his efforts of defence, in looking to his safety elsewhere.

Estimated expense of barracks for one regiment, including - - - - - \$150,000

Estimated expense of fort at Spring Wells, in - - - - - 100,000

250,000

Work and barrack-establishment at or near Buffalo.—The wealth and commercial importance of Buffalo, and its proximity to the British line, will make it an object of great importance in time of war, unless it be protected by the presence of a considerable force there. It may also become a point of concentration of troops for minor offensive movements, by diversion; and is thus, in every view, entitled to consideration. An extensive barrack-establishment, defended by field-works, would be sufficient for all necessary

Estimated expense - - - - - 150,000

Niagara to be rebuilt.—A fort at this position is necessary on the assumption (admitting, it is believed, of but one thing) that in time of war there would be some naval

preparations on Lake Ontario. It commands the entrance into the Niagara river; and a work here will shut the enemy's vessels out from that harbor, while it will afford protection under which ours may take shelter in case of need.

Estimated expense of completing the work now in progress - - - - - \$27,500

For repairs of buildings and new barracks there 37,500

7. Fort at Oswego.—The growing importance of Oswego, the relation it bears to the great line of internal communication to the west, and its exposed situation, directly on the shore of the lake, from whence it might be assailed by armed vessels without the co-operation of a land attack, call for works of defence to protect the harbor, and thus secure a safe retreat for our vessels in case of need, while we shut out those of the enemy. Besides, this place possesses many advantages for naval preparations for vessels of light draught of water, and would probably be made a subordinate depot in time of war.

Estimated expense of completing the works now in progress - - - - - \$20,000

For barracks, quarters, storehouses, and magazine - - - - - 25,000

8. Fort at Sackett's Harbor.—In the event of naval armaments, to any considerable extent, being resorted to on Lake Ontario, Sackett's Harbor, from its bold water, and its excellence as a harbor, would at once become a depot of great importance; the safety of which should be insured against the enterprises of the enemy, by the timely construction of appropriate works of defence. Situated directly opposite to the strong post of Kingston, on the Canadian side, and adjacent to the head of the St. Lawrence, it is one of the points at which a concentration of troops may become expedient for the defence of that portion of the frontier and the protection of the naval depot. The barrack accommodations already established there are deemed sufficient, and it remains to fortify the approach to the harbor.

Estimated expense of fort and barracks within - - -

9. Fort at the narrows of the St. Lawrence, below Ogdensburg.—The chief object of a work here would be to cut off the enemy's communication, by the river, between Montreal and Kingston, and thus prevent him from availing himself of that channel for the transportation of troops and supplies, if we cannot entirely secure it to ourselves. By this obstruction on the St. Lawrence, he would be thrown altogether upon his back line of communication by the Ottawa, which, although it has the merit of being more secure from interruption, is longer and more difficult, especially in seasons of drought. This would also be another point from which the enemy might be menaced, and from which auxiliary movements might be made in aid of the chief attack.

Estimated expense of fort and barracks - - -

t near the line on Lake Champlain.—A work here made to command the pass of the lake, and is consequently far the most important of any proposed on the line of frontier.

Position of Lake Champlain is somewhat peculiar. Ontario, Erie, Huron, and Superior, stretch their whole length along the border, (forming, in fact, the boundary of the lake.) Lake Champlain extends deeply into our territory, at right angles to the line of the frontier; and, while its southern end reaches almost to the Hudson, it finds its outlet, north, in the St. Lawrence, nearly midway between Montreal and Quebec, the two great objects of attack.

It is undoubtedly the avenue by which the British position may be most effectually assailed; while, at the same time, it would afford to the enemy possessing a naval ascendancy facilities for bringing the war within our own borders, leaving the frontier left unfortified. It therefore becomes important to

locate a post as near the line as practicable, so as to shut out the enemy's vessels, and thus effect the double object of securing the interior shores of the lake from the predatory incursions which they would otherwise be exposed, and of securing ourselves, as the great channel by which our troops may be rapidly thrown forward to the points of defence.

Permanent work on Stony point, (N. Y.) including purchase of site	\$300,000
Permanent work on Windmill point, including purchase of site	300,000
	<hr/>

\$600,000

Track establishment and depot at Plattsburg.—In time of war, Plattsburg will become the great depot of operations on the Champlain frontier, the point of concentration of troops preparatory to any offensive movements, the station of the reserve to sustain those movements, and the place that may be established in advance. Even in time of peace, a respectable force should be posted here, especially in view of the continuance of the boundary question and border disputes. Barracks for a regiment, at least, with suitable magazines, are recommended to be erected, on a plan admitting of extension, if required, and also of suitable defensive works.

Estimated expense of completing the works in progress, as here suggested	150,000
--	---------

150,000

From Lake Champlain, eastward, the geographical features of the frontier materially change character, and requiring a corresponding modification of the means of defence. The frontier no longer intersects great lakes, admitting of naval operations, nor binds on straits and rivers, the navigation may be controlled or interrupted by fortifications. The frontier is now inland, until it reaches the St. Croix, where the principles that have been applied to other portions of

the frontier similarly situated will again become applicable. Running on a parallel of latitude to the Connecticut river, and thence along a chain of highlands, not yet clearly defined, to the Province of New Brunswick, the board are not aware that there are any points immediately on the frontier sufficiently commanding, of themselves, to call for the establishment and maintenance of fortifications, or works of defence.

Should it ever become necessary to sustain, by force, our title to the territory now in dispute, it must be done, not by isolated forts along the frontier, commanding, probably, nothing beyond the range of their own guns, but by an active army, competent not only to occupy the country and hold it, but also to assume the offensive, if necessary, and carry the war beyond our borders.

But while it is not deemed expedient to construct a chain of forts along this portion of the frontier, the board consider it a proper measure of precaution, in the present state of our relations with the British Provinces, that positions should be selected, and preparatory arrangements made, for the establishment of depots of supplies at the head of navigation on the Kennebunk and Penobscot. In the event of movements in that quarter, these would be proper points for the concentration of troops, and would serve as a base of operations, whether these should be offensive or defensive in their character.

Estimated expense of storehouses and other accommodations - - - - -

\$1

13. *Fort at Calais, on the St. Croix river.*—A work here, while it will serve to cover that part of the State of Maine from the attacks to which it would otherwise be exposed, may, from its advanced position, be made to act an important though indirect part in the defence of the more northern portion of the frontier. Calais appears to be a very eligible point for the concentration of troops, with reference to existing circumstances. A strong force stationed here, threatening the enemy's posts on the lower St. John's, and held ready to strike in that direction, in case of movements from New Brunswick towards the disputed territory, could not fail to have a decisive influence on such movements; since it is obvious that they could not be made with safety, while exposed to attack in flank and rear, and to have their line of communication intercepted, and their depots seized, by a prompt movement on our part from the St. Croix.

Estimated expense of fort and barracks - - - - -

1

14. In reference to the northern frontier, generally, it is the decided opinion of the board, that, besides the defences which have been suggested along the border, chiefly for purposes of local protection, there should be a great central station at some position in the interior, at which troops might be assembled for instruction, and where they would still be

supporting distance of the more exposed parts of the

g our views inland in search of some single position which preparations might be made for extended operations from which aid and succor could be speedily derived, some position which, while it is equally near to many important points of the eastern frontier, and from which aid and succor could be speedily derived, some position which, while it is equally near to many important points of the eastern frontier, shall afford, at no time, any indication of the direction in which our efforts are to be made; which, if possible, unite the opposite qualities of being at the same time remote and proximate, far as to distance, but near as to time; which, while it brings a portion of the resources of the country to the support of the inland operations, and places them in the best attitude for operations of either character, whether defensive or offensive, at the same time, keeps them not away from the seacoast. Looking for these properties, we find them all united, in a remarkable degree, in the position of Albany.

In this place, by steamboat, canal-boat, or railroad-car, arms and munitions could be transported, in a short time, either westward to Detroit, to Oswego, to Sackett's Harbor, to Buffalo, to Boston, and along the coast of New England to New York by steamboat now, and soon by railroad; and thence onward to Philadelphia, Baltimore, and the heart of the southern country, if necessary. In a word, Albany is a great central position, from which to radiate the principal lines of communication to the north, to the south, to the east, and to the west; and combining all the advantages for a military depot, that the expense of occupying it, and thus availing ourselves of those advantages, would seem to be manifest.

The great expense of the purchase of land, and the construction of barracks and other buildings - - -

\$300,000

For the northern frontier - - -

\$2,160,000

I would beg leave to observe, in conclusion, that, in the preparation of the estimates submitted, they have not attempted to aim at precision. The amounts stated for the various objects are to be regarded only as approximations. They could not be any thing more, on the data used, and the want of minute surveys and reconnoissances, were necessarily to be expected. It is believed, however, that the results presented will be found sufficiently accurate for the general purposes contemplated by the resolution which this report has been prepared.

JOS. G. TOTTEN,

Col. Engineers.

S. THAYER,

Lieut. Col. of Engineers and Bvt. Col.

T. CROSS,

Col. and Ass't Quartermaster General.

G. TALCOTT,

Lieutenant Colonel of Ordnance.

Estimated cost of ordnance of all kinds, required for the armament of the northern frontier, embracing cannon mounted, and one hundred rounds of ammunition for each piece.

ARMAMENT OF	CANNON.													CARRIAGES.									
	24-pounder guns.	18 pounder long guns.	18 pounder med-um guns.	12-pounder long guns.	12-pounder field guns.	6 pounder field guns.	Caronades.	24-pounder howitzers.	12-pounder howitzers.	8-inch howitzers, heavy.	10 inch heavy mortars.	8-inch light mortars.	Coborns.	Total number of cannon.	For 24-pounders.	For long 18-pound-ers.	For long 12-pound-ers.	For medium and field cannon.	For caronades.	For 8-inch howitzers.	For 10-inch heavy mortars.	For 6-inch light mortars.	For coborns.
Works at Falls of St. Mary	-	-	-	-	-	-	-	-	-	-	-	-	-	12	4	-	-	10	-	-	-	-	-
Fort at Michilimackinac	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	-	-	6	-	-	-	-	-
Fort of Lake Huron	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	-	-	10	-	-	-	-	-
Fort for Spring Wells, below Detroit	-	-	10	-	-	-	-	-	-	-	-	-	-	26	-	-	-	26	-	-	-	-	-
Fort for Buffalo and Black Rock	-	-	10	-	-	-	-	-	-	-	-	-	-	26	-	-	-	26	-	-	-	-	-
Fort Niagara	-	12	4	-	-	-	-	-	-	-	-	-	-	36	-	-	-	16	-	-	-	-	-
Fort Ontario at Oswego	-	8	-	-	-	-	-	-	-	-	-	-	-	37	-	-	-	12	-	-	-	-	-
Beckett's Harbor	-	-	10	-	-	-	-	-	-	-	-	-	-	26	-	-	-	26	-	-	-	-	-
Fort at the narrows of the St. Lawrence	-	-	10	-	-	-	-	-	-	-	-	-	-	26	-	-	-	26	-	-	-	-	-
Fort on New York side, at Champlain	-	10	-	-	-	-	-	-	-	-	-	-	-	196	64	10	10	19	-	-	-	-	-
Fort on opposite side	-	10	-	-	-	-	-	-	-	-	-	-	-	196	64	10	10	19	-	-	-	-	-
Plattsburg	-	-	-	-	-	-	-	-	-	-	-	-	-	18	-	-	-	16	-	-	-	-	-
Head-waters of the Kennebec	-	-	-	-	-	-	-	-	-	-	-	-	-	24	-	-	-	22	-	-	-	-	-
Head-waters of the Penobscot	-	-	-	-	-	-	-	-	-	-	-	-	-	24	-	-	-	22	-	-	-	-	-
Calaix	-	-	-	-	-	-	-	-	-	-	-	-	-	24	-	-	-	22	-	-	-	-	-
	138	40	69	9	49	72	40	94	36	16	16	26	12	366	138	40	40	948	40	16	16	30	10

ARMAMENT OF	PROJECTILES.								POWDER.	COST OF ARMAMENT.				
	24-pounders.	18-pounders.	12-pounders.	6-pounders.	8-inch shells.	10-inch shells.	24-pounder shells.	12-pounder shells.		Pounds of cannon powder.	Cannon.	Carriages.	Projectiles.	Powder.
Works at Falls of St. Mary	-	400	-	400	200	-	-	200	2,700	\$1,540	\$3,160	\$1,016	\$540	\$6,256
Fort at Michilimackinac	400	-	-	400	200	-	-	200	3,900	2,040	1,960	1,198	780	5,908
Fort of Lake Huron	-	400	-	400	200	-	-	200	2,700	1,540	3,160	1,016	540	6,256
Fort for Spring Wells, below Detroit	-	1,000	400	400	400	-	200	200	6,900	3,630	6,920	2,376	1,380	14,306
Buffalo and Black Rock	-	1,000	400	400	200	-	200	200	8,700	4,010	7,160	2,928	1,740	15,838
Fort Niagara	-	1,600	400	400	200	200	200	200	14,300	6,170	8,460	3,760	2,860	21,850
Fort Ontario at Oswego	-	800	1,300	400	200	200	200	200	12,200	6,170	9,660	3,056	2,440	21,318
Becket's Harbor	-	1,000	400	400	200	200	200	200	10,200	4,010	7,160	2,928	1,740	15,838
Fort at the narrows of the St. Lawrence	-	1,600	400	400	400	-	200	200	8,400	3,630	6,920	2,356	1,680	14,586
Fort on New York side at Champlain	6,400	1,000	400	400	1,200	400	2,600	200	52,250	31,350	32,620	12,280	10,600	86,850
Fort on opposite side	6,400	1,000	400	400	1,200	400	2,600	200	52,250	31,350	32,620	12,280	10,600	86,850
Plattsburg	-	400	400	400	200	-	200	200	5,100	2,290	4,960	1,416	1,020	9,686
Head-waters of the Kennebec	-	400	400	800	200	-	200	400	6,000	2,830	6,760	1,610	1,200	12,460
Head-waters of the Penobscot	-	400	400	800	200	-	200	400	6,000	2,830	6,760	1,610	1,200	12,460
Calais	-	400	400	800	200	-	200	400	6,000	2,830	6,760	1,610	1,200	12,460
	13,200	10,800	5,780	7,200	5,400	1,600	8,000	3,600	197,600	106,400	145,030	51,372	39,580	342,322

WASHINGTON, April 23, 1840.

For the Board :

JOSEPH G. TOTTEN,
Colonel of Engineers.

REPORT

ON THE

WESTERN FRONTIER, FROM THE SABINE BAY TO LAKE SUPERIOR.

The principles which should govern in fortifying the seaboard are considered applicable to our inland frontiers, which will very rarely be found to call for regular fortifications. Hence, in relation to that part of the frontier now under consideration, the duty of the board will be performed by indicating the military positions or stations which should, in their opinion, be occupied by troops, in order to accomplish the object in view, and in presenting estimates of the probable cost of constructing necessary barracks, quarters, and storehouses, combined with such works of defence as circumstances may appear to require, to insure their protection against the attacks to which they may be exposed.

The want of personal knowledge, on the part of the board, of our extensive western frontier, and the very limited surveys which have been made in that quarter, have somewhat embarrassed them in the selection of positions; but they desire to be understood as merely designating places in a geographical sense, leaving the particular sites on which the works should be erected to be determined hereafter, by minute examinations of the country at and around those positions; which become the more important, inasmuch as the original locations of some of the places that will be recommended to be retained have been considered faulty.

The southern section of this frontier, extending from the Sabine bay to the Red river, borders all the way on Texas, and has, it is believed, little to apprehend from Indian aggressions. The Cumanches, the only tribe of any power in that quarter, are represented as gradually retreating to the westward, and the progress of the Texian settlements will tend to push them farther from our border. But our relations with the Texas republic, however amicable they may be at present, would seem to require that some military force should be stationed on or near the boundary, and the board therefore recommend the establishment of two small posts on the Sabine river, suppressing Fort Jesup, which is considered too far within the frontier, or retaining it merely as a healthy cantonment.

As these would be posts of observation, having reference to national police more than to military defence, they ought to be established on the river where the principal roads cross it, by which we should be enabled to supervise the chief intercourse with our neighbors by land, and, at the same time, control the navigation of the Sabine. The points where the Opelousas and Natchitoches roads, leading to Texas, strike the river, are therefore recommended as the positions which should be occupied, and in which barracks for two or three companies, defended by light works, should be constructed.

The middle section, which extends from the Red river to the Missouri, is by far the most important portion of the whole of our western frontier. It is along this line that the numerous tribes of Indians who have emigrated from the east have been located; thus adding to the indigenous forces already in that region, an immense mass of emigrants, some of whom have been sent thither by coercion, with smothered feelings of hostility rankling in their bosoms, which, probably, waits but for an occasion to burst forth.

all its savage fury. These considerations alone would seem to call for some precautionary measures ; but an additional motive will be found in peculiar relations with those Indians.

We are bound, by solemn treaty stipulations, to interpose force, if necessary, to prevent domestic strife among them, preserve peace between the real tribes, and to protect them against any disturbances at their new settlements, by the wild Indians who inhabit the country beyond. The Government has thus contracted the two-fold obligation of intervention among, and protection of, the emigrant tribes, in addition to the duty which it owes to its own citizens of providing for their safety.

It appears to the board that this obligation can only be properly fulfilled by maintaining advanced positions in the Indian country with an adequate garrisoning military force ; and that the duty of protecting our own citizens can be best discharged by establishing an interior line of posts along the western border of the States of Arkansas and Missouri, as auxiliaries to the advanced positions, and to restrain the intercourse between the whites and Indians, and serve as rallying-points for the neighboring militia in times of alarm.

With these views they would recommend the maintenance of Fort Towson, on Red river, and Fort Gibson, on the Arkansas ; and the establishment of a post at the head of navigation on the Kansas, and one at Table creek, on the Missouri, below the mouth of the Big Platte, as constituting the advanced positions on this portion of the frontier.

For the secondary line intended for the protection of the border settlements, the board would adopt the positions which have been selected by a commission of experienced officers, along the western boundary of Arkansas and Missouri ; at some of which, it is understood, works are already in progress, namely, Fort Smith, on the Arkansas river ; Fort Wayne, on the Illinois ; Spring river, and Marais de Cygne ; terminating to the north at Fort Snodgrass, on the Missouri. They would also recommend the establishment of one or two intermediate posts between the Arkansas and Red rivers, if, on further examination of the country, suitable positions can be found near the State line. It is not deemed advisable to establish those on the route of the road lately surveyed, which (especially the southern portion) is considered too far in advance of the border settlements to accomplish the object in view ; but if eligible positions cannot be found along the river, then a post on the road, where it crosses the Poteau river, which is very remote from the settlements, might have a salutary influence.

In the northern portion of this frontier, extending from the Missouri to Lake Superior, the board would recommend the establishment of a post near the upper forks of the Des Moines river ; the maintenance of Fort Snodgrass, on the Mississippi ; and the ultimate establishment of a post at the northern extremity of Lake Superior. The last is suggested with some qualifications, for want of the necessary information by which to determine the mode of communication to that remote position. Whether it shall be reached by Lake Superior, or by the Mississippi and its tributaries, it would, in either case, be difficult in peace, and next to impracticable in time of war. As the position has, however, important geographical relations, and is well able to enable us to extend our influence and control over the Indians within that territory, and afford protection to our traders in that remote region, it would seem to be worthy of early occupation, if its maintenance can be

rendered secure—a point which can only be determined by a careful examination of the country.

It is, nevertheless, recommended to retain Fort Crawford, at Prairie du Chien; Fort Winnebago, at the portage of the Fox and Wisconsin rivers; and Fort Howard, at Green bay. These posts are deemed necessary to protect that portion of our frontier, while, at the same time, they cover an important line of intercommunication between the northern and the western waters.

It has not been thought expedient to continue the interior line of posts suggested for the middle section of this frontier, across from the Mississippi to the Missouri river. Our Indian relations in that quarter assume a different aspect. There is no special guaranty of perpetual occupation of the country by the tribes who now inhabit it; nor can it be doubted that they will ultimately be pushed, by the advance of our population, to the Missouri river. Under those circumstances, it is believed that the intermediate post recommended to be established on the Des Moines river, co-operating with the posts on the Missouri, and those on the Upper Mississippi, will afford adequate protection to the border settlements against attacks to which they are likely to be exposed.

The board have not felt called upon, by the terms of the resolution which they act, to project a plan of operations for the western frontier, or to go into an estimate of the military force that will be required there, other than was necessary to determine the extent of accommodations to be erected, and the expense which these will involve. They would, however, observe, that the positions which have been designated will not, of themselves, have the desired influence in restraining the Indian tribes from attacking our border settlements, without the aid of a respectable force, of which a full proportion should be mounted and held disposable, at all times, for active service in the field. To effect this, the works should be constructed that, while they will afford adequate accommodations for troops when they are not actively employed, their defence may be intrusted to a small force. With these precautionary measures, and the co-operation of small but effective reserves posted within sustaining distances of the several sections of the frontier, it is believed that peace may be preserved, and the first onset of war met, until the militia of the neighboring country could be embodied and brought into the field.

It only remains to recapitulate the positions which have been recommended to be occupied, apportion the requisite force, and present a liberal estimate of the cost of erecting the accommodations and of the force deemed necessary at each.

1. For quarters for 100 men at the post on the Sabine where the Opelousas road crosses that river, including defences -
2. For quarters for 100 men at the post on the Sabine where the Natchitoches road crosses, including defences -
3. For permanent quarters and other accommodations for 500 men at Fort Towson, including defences -
4. For permanent quarters and other accommodations for 1,000 men, at Fort Gibson, including defences -
5. For quarters for 300 men at the post on the Kansas river, including defences -

s and other accommodations for 500 men at Table creek, near the mouth of the Platte, on , including defences - - - -	\$75,000
s and other accommodations for 400 men at he Des Moines river, including defences -	60,000
argement and repair of Fort Snelling, to fit it nmodation of 300 men, including defences -	30,000
s for 400 men at the post at the western ex- ake Superior, including defences - - -	50,000

INTERIOR LINE.

rs for 200 men at the post between the Red is rivers, including defences - - -	50,000
eting quarters and other accommodations for Fort Smith, including defences - - -	50,000
eting quarters and other accommodations for Fort Wayne, including defences - - -	50,000
rs and other accommodations for 200 men at lpring river, including defences - - -	50,000
rs and other accommodations for 200 men at larais de Cygne, including defences - - -	50,000
eting quarters and other accommodations in 400 men at Fort Leavenworth, including de- - - - - -	50,000
otal for western frontier - - - -	<u>\$895,000</u>

respectfully submitted :

JOS. G. TOTTEN,
Colonel Engineers.

S. THAYER,
Lieut. Col. Engineers, Brevet Colonel.

T. CROSS,
Col. and Assistant Quartermaster General.

G. TALCOTT,
Lieutenant Colonel Ordnance.

Estimated cost of ordnance of all kinds, required for the armament of the western frontier, embracing cannon mounted, and one hundred rounds of ammunition for each piece.

	CANNON.						PROJECTILES.				POWDER.	COST OF ARMAMENT.				Total amount.
	18-pounder guns, medium.	6-pounder guns.	12-pounder howitzers.	8-inch light mortars.	Total number of cannon.	CARR'G'ES.	16 pounders.	6-pounders.	12 pounders shells.	8-inch shells.		Cannon.	Carriages.	Projectiles.	Powder.	
Post on the Sabine, at the crossing of the Opelousas road	2	2	1	1	6	9	1	200	200	100	1,550	\$770	\$1,455	\$50	\$310	\$3,043
Post on the Sabine, where the Natchitoches road crosses	2	2	1	1	6	9	1	200	200	100	1,550	770	1,455	50	310	3,043
Proposed establishment for 500 men, at Fort Townsin	-	10	-	-	10	10	-	-	1,000	-	1,500	1,000	1,000	250	300	2,550
Proposed establishment for 1,000 men, at Fort Gibson	-	10	-	-	10	10	-	-	1,000	-	1,500	1,000	1,000	250	300	2,550
Proposed establishment for 300 men, at the Kansas river	-	10	-	-	10	10	-	-	1,000	-	1,500	1,000	1,000	250	300	2,550
Proposed establishment for 500 men, at a post on Table creek	-	10	-	-	10	10	-	-	1,000	-	1,500	1,000	1,000	250	300	2,550
Proposed establishment for 400 men, at a post on the Des Moines	-	10	-	-	10	10	-	-	1,000	-	1,500	1,000	1,000	250	300	2,550
Repairs, &c., of Fort Snelling, for 300 men	-	10	-	-	10	10	-	-	1,000	-	1,500	1,000	1,000	250	300	2,550
Proposed establishment for 400 men, at a post on western extremity of Lake Superior	4	12	1	2	19	17	2	400	1,200	100	4,150	2,892	2,523	1,106	630	7,411
<i>Interior line.</i>																
For proposed establishment for 200 men, at a post between Red and Arkansas rivers	-	10	-	-	10	10	-	-	1,000	-	1,500	1,000	1,000	250	300	2,550
For establishment at Fort Smith for 200 men	-	10	-	-	10	10	-	-	1,000	-	1,500	1,000	1,000	250	300	2,550
For establishment at Fort Wayne for 200 men	-	10	-	-	10	10	-	-	1,000	-	1,500	1,000	1,000	250	300	2,550
For establishment at Spring river for 200 men	-	10	-	-	10	10	-	-	1,000	-	1,500	1,000	1,000	250	300	2,550
For establishment at Marais de Cygne for 200 men	-	10	-	-	10	10	-	-	1,000	-	1,500	1,000	1,000	250	300	2,550
For establishment at Fort Leavenworth for 400 men	-	10	-	-	10	10	-	-	1,000	-	1,500	1,000	1,000	250	300	2,550
	6	126	2	4	131	147	4	200	12,600	300	95,250	16,432	17,432	6,180	5,080	44,097

WASHINGTON. April 22, 1840.

REPORT

ON THE

ARSENALS, MAGAZINES, AND FOUNDRIES, WHICH ARE MENTIONED IN THE THIRD SECTION OF THE RESOLUTION OF THE SENATE IN THE FOLLOWING WORDS, VIZ :

"...arsenals, magazines, and foundries, either constructed or deemed necessary, and an estimate of the expense of constructing such of said establishments as may be completed or commenced, but which may be deemed necessary."

Necessary arsenals and magazines will be first considered, as arsenals and foundries, being manufactories of arms destined for general use, do not pertain exclusively to any particular frontier. Arsenals and ordnance depots will be understood to include magazines in the sense of the term ; and these establishments will be rated, according to their relative importance or magnitude, in three classes :
 1st, arsenals of construction, which embrace also repairs, and for deposit of arms and for repairs and for deposit.
 2d, arsenals, or places for deposit and safekeeping of arms, and other stores.

1st, *northern frontier, from Lake Superior to Passamaquoddy bay.*—
 An arsenal, or ordnance depot, will be required at some suitable point on the river Mississippi ; and Fort Crawford, at Prairie du Chien, offers a good location, particularly with reference to supplying the line or tract of land extending southwesterly from Fort Snelling, through the Territory of Minnesota, towards the Des Moines river, as well as northwardly toward the Canadian frontier, and eastwardly through the Territory of Wisconsin to Lake Michigan. The expense of constructing this depot, on a scale commensurate with the probable importance that must be given to it, will not exceed
 \$70,000

2d, *arsenal of the third class.*
 The arsenal at Detroit, on the river Rouge, twelve miles from the city, now nearly finished, is an arsenal of the 2d class, intended to supply the lake frontier from the Sault Ste. Marie, the outlet of Lake Superior, to Lake Michigan and Lake Erie.
 20,000

3d, *the completion of this arsenal.*
 The arsenal at Pittsburg, an establishment of the 1st class, is also available for the supply of the lake frontier, as well as the western frontier, through the western

4th, *arsenal, of the 3d class, is the place of deposit for arms required at the posts on Lake Ontario.*
 The arsenal at Vergennes, Vermont, also of the 3d class, will supply the posts on Lake Champlain and in the northern part of Vermont. But the whole lake frontier, and the adjacent region, may be supplied from the arsenal at Albany, which is an establishment of the 1st class, and admirably located for the preparation and forwarding of ordnance stores, not only to the northward, but likewise to the maritime frontier. The periods of

free navigation of the New York canals, and the Hudson river, are used for the distribution from Watervliet of such supplies as may be required in the winter season.

The Kennebec arsenal, at Augusta, Maine, of the 2d class, is designed to supply the northern and eastern frontiers of that State, and part of New Hampshire; but arms would be furnished to the frontier of the latter State from Springfield armory, and ordnance stores would be passed up the valley of the Connecticut from arsenals either east or west of that river.

It may become necessary to establish a depot on the Penobscot, at Bangor. But this point is only 60 miles from Augusta; and no estimate of the cost is furnished, as the deposit would, probably, be temporary.

II. *The maritime frontier from Passamaquoddy bay to Cape Florida.*—The Kennebec arsenal is the place of deposit for the greater part of the seacoast of Maine; the sum of \$30,000 will finish the additions required.

The Watertown arsenal, five miles in the rear of Boston, also of the 2d class, will supply the westerly part of Maine, the seacoast of New Hampshire, Massachusetts, and Rhode Island; and

will be required for additional buildings and enclosures.

Both the Kennebec and Watertown arsenals are of considerable extent, with every facility for being converted into arsenals of the 1st class; and the construction of gun-carriages, necessary for arming the forts and batteries within the limits above stated, may be effected at both or either. The Watervliet arsenal, before mentioned, is, however, the principal one relied on for supplies required, not only from Cape Cod to the capes of Delaware bay, but for much of the maritime as well as the lake frontier. Additional quarters and storehouses at this post will cost

A depot in the harbor of New York receives articles from Watervliet, during the season of navigation, which are transhipped, in time of peace, to all parts of the coast and to the Mississippi. During a war, supplies would be furnished from arsenals in the more immediate vicinity of the seacoast defences, viz: Frankford arsenal, six miles above Philadelphia, is of the 2d class, and will supply works on Delaware bay and river; Pikesville arsenal, of the 3d class, four miles from Baltimore; Washington arsenal and Fort Monroe arsenal, both of the 1st class, will furnish what may be required for the seacoast defences of Chesapeake bay and Potomac river. The last mentioned was established with special reference to the construction of the gun-carriages required at that post and at Fort Calhoun. It has been found advantageous, however, to construct there carriages for other southern forts; but it cannot be considered as a permanent establishment of the 1st class, to be kept up after the occasion which called for it shall have passed by.

The North Carolina arsenal, at Fayetteville, on Cape Fear river, is under construction, and was originally in-

be made one of the 1st class. Doubts have been whether it ought to exceed those of the 2d class ; n is such that it can at any time be extended o the original design. The sum of eighty thou- s will be required to finish it as one of the 2d

\$80,000

on depot is at present of diminutive capacity. It enlarge it, and thirty thousand dollars will make a place of deposite

30,000

arsenal, at Augusta, Georgia, is of the 2d class, he two last mentioned, will furnish supplies re- Chesapeake bay to Cape Florida.

Augusta arsenal has its powder magazine detached at an inconvenient distance, beyond the control e at the post. For the construction of a new and other necessary additions to this establish- thousand dollars will be required

60,000

of the arsenals have been built upwards of 20 require extensive repairs and additions, which it may be effected, from time to time, by the aid appropriations, amounting in all to about

180,000

*the Gulf frontier, from Cape Florida to Sabine*alachicola arsenal, at Chattahoochie, just below of the Chattahoochie and Flint rivers ; Mount anal, on the Mobile river ; and Baton Rouge arse- : Mississippi, are all establishments of the 2d estined to supply the whole of the Gulf frontier, s below New Orleans, on the Mississippi. About and dollars will be required to complete them, me additional buildings at Baton Rouge

60,000

*the western frontier, from Sabine bay to Lake Su-*aton Rouge arsenal, already mentioned, will plies for posts on the Sabine and Red rivers.

ck arsenal, just commenced, will be the source for posts on the Arkansas, and along the western hat State. It will necessarily become, at first, of the 2d class, with the depot at Memphis as and will require one hundred thousand dollars it

100,000

arsenal is a large establishment of the 2d class, ary little exrense, can be raised to the 1st class ; bsidiary depot at Liberty, on the Missouri, it will posts on that river, the western border of the sts on the Des Moines, and the Upper Mississippi. at Prairie du Chien, mentioned in relation to uired in the direction of Lake Superior, and ly, through the Territory of Iowa, would be r the St. Louis arsenal, and completes the chain veral frontiers embraced in the resolution.

ount required for constructions, additions, and enals and depots

\$705,000

Armories.

The two national armories at Springfield, Massachusetts, and Ferry, Virginia, are the only public establishments for the manufacture of small arms. They furnish about twenty-five thousand stand yearly. This number might be extended; but it has been an solicitude with the Government, for nearly twenty years past, to establish an armory west of the Alleghanies.

Commissioners were employed in 1823 to examine the western region with a view to the location of an armory. Many sites were surveyed and careful estimates made of the cost of an armory at each, with a comparison of their several advantages and disadvantages. The results of the investigations may be found at large in Gales & Seaton's reprinted American State Papers, folios 729 to 790 inclusive, vol. 2, Military.

It is perhaps fortunate that the place then selected was not adopted by Congress; for, since that period, the immense increase, not only of the population and the general resources of the western region, but of the number of articles required for the manufacture of arms, by the discovery of vast masses of coal, and the extensive working of iron-mines, whereof the kind was then found, has shown that an armory should be located much farther west.

The data collected by the commissioners in 1823 may be applied in estimating the probable cost of an armory at the present time, making suitable allowances for the increased price of every thing connected with such an establishment. This cost will be found according to localities of positions, from \$280,000 to \$500,000 for an armory capable of furnishing twelve thousand muskets per year. It may therefore be stated at the mean of \$390,000, to which twenty per cent should be added; making the sum of - - - - -

Another mode of proceeding proposed, consists in forming an establishment complete in itself, of limited extent, and having the great mass of component parts of arms manufactured by the piece in private workshops, and only the inspecting, assembling, and finishing be done at the public works. This course would materially reduce the first cost, or necessary expenditure for buildings and tools. It also admits of extension to a great amount of fabrication, with but little additional cost of permanent fixtures. But, whichever mode is followed, or whatever site may be selected for its location, there can be no question of the necessity for an armory on the western waters; and as regards a proper location, it may be observed, that, to consider the relations of an armory in the same light as that of an arsenal or magazine, would be an error; the means of production being the principal requisite for the one, and those of transportation or distribution for the others.

Total required for an armory on the western waters - - - - -

Foundries.

The United States own no cannon-foundry. Although possessing some ore-beds, from which iron of approved quality for casting

made, yet artillery of every description is procured from
 ries. This subject has been so recently before Congress,
 reated, that nothing will be said further than to state the
 of such an establishment; and here, again, so much depends
 ation, that only an approximation will be attempted. A
 e War Department made to the 24th Congress, 1st session,
 , states the cost of a foundry, to be located at Georgetown,
 ct of Columbia, at \$312,000. If this estimate is correct,
 own that great care was bestowed on its preparation,) it may
 hat about - - - - - \$300,000

ed for a foundry when favorably located for
 ter-power. Should steam-power be adopted,
 of the establishment would be less, while the
 diture would be greater than for water-power.
 a suitable location for a foundry, the great
 ulk of the raw materials used in the manufac-
 n, and the weight of heavy guns, which are
 use only on the seaboard, would seem to de-
 rticular attention should be given to the means
 ion both to and from the foundry.

nt required for a foundry	-	-	-	<u>\$300,000</u>
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Recapitulation.

at required for constructions, additions, and		
rsenals and depôts	-	\$705,000
: required to establish an armory on the western		
-	-	468,000
: required to establish a national foundry	-	300,000
		<u>1,473,000</u>
Total	-	<u>1,473,000</u>

s respectfully submitted:

JOS. G. TOTTON,
Colonel Engineers.
 S. THAYER,
Lieut. Col. Engineers, Brev. Col.
 T. CROSS,
Colonel, Asst. Quarterm'r Gen'l.
 G. TALCOTT,
Lieutenant Colonel Ordnance.



IN SENATE OF THE UNITED STATES.

MAY 8, 1840.

Submitted, and ordered to be printed.



Mr. HUBBARD made the following

REPORT :

of the Committee of Claims, to whom was referred House bill (No. 28) for the relief of Ebenezer A. Lester, report :

That the contract entered into between the agent of the Government and the claimant is correctly described in the report submitted to the House of Representatives, at the present session, by the chairman of the Committee of Claims; and the payments made to the claimant anterior to the 25th day of November, 1827, when the claimant was to have had the contract fulfilled, are also correctly set forth in the House report. It appears that the sum of \$2,000 was paid to the claimant on the 10th of November, 1827, only fifteen days prior to the time fixed for the completion of the contract. It also appears that neither the boilers nor any part of the engine had been delivered at the navy yard in Charlestown, where the engine was to have been put in operation prior to the said 10th day of November, 1827. On that day the contract was suspended. The claimant alleges that he was thereby prevented from completing the job agreeably to his covenant, and he claims damage for this suspension of the contract by the interposition of the Government agent. The committee had this case before them at the last session, and, on a careful examination of the evidence, came to an entirely different conclusion from that to which the Committee of Claims of the House had arrived. In the first place, there is no satisfactory evidence that this engine could have been completed within the remaining fifteen days the contract had to run; and were that part made distinctly to appear, it is to be presumed that this suspension took place by the mutual assent of the contracting parties. It is perfectly clear that the agent of the Government could not, by any interference upon his part, have prevented the claimant from finishing the engine. The agent had no such authority. It was, therefore, it seems to the committee, entirely at the election of the claimant to go on and complete his job, or to suspend it. If he agreed or assented to the suspension, he has no ground of claim. The committee, under the circumstances of this case, believe that the claimant supposed at the time that it would not be prejudicial to his interest to suspend, because he was immediately employed by an agent of the Government to construct an engine of less power, which he did, and for which he was paid. On the 7th June, 1828, the claimant was paid another thousand dollars;

W. & Rives, printers.

and it cannot fail to occur to the committee, if the claimant could have finished the engine between the 10th and 25th of November, 1828, it is unaccountable that it was not completed and in readiness to be delivered on this 7th of June, 1828. It further appears that another payment was made in May, and another in September, 1829; and it is to infer that these payments were made under that part of the contract which directs the mode of payment. The engine was not erected until 1832, and it appears that the last payment was made on the 14th of November, 1832. The committee cannot agree that the Government is bound to pay damage in any form for the non-fulfilment of this contract, it is distinctly made to appear that by the act of the Government without the assent of the claimant, he was prevented from completing the contract. In this case, there is nothing which goes to show that the claimant was prevented from completing the boilers and finishing the engine by the interference of the agent of the Government. In fact the committee cannot understand how any such interference, if authorized, could have necessarily led to any such consequence. The interference of the agent could not have lessened the power of the claimant to do all he was required to do under the contract, except to erect the engine in the navy yard, which would have been attended with little expense. If he had done this, and had showed himself in readiness to have put up the engine, and had been prevented by the act of the agent, then the claimant might have had good ground of claim for remuneration. But this is not in evidence; and the subsequent circumstances hereinbefore recited furnish evidence satisfactory to the committee that such could not have been the fact.

The committee, therefore, must again recommend the rejection of the bill.

IN SENATE OF THE UNITED STATES.

MAY 8, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT:

Committee on Pensions, to whom was referred the petition of Lewis Lyttleton Harper, report :

Petitioner represents that he served under Colonel Murphy after Gates's defeat, in 1780, and was in several engagements in break-tories ; and that in 1781 he served six months in the draughted (South Carolina) militia, and afterward was placed under the command of Colonel Harding, in Marion's brigade, at the battle at Eutaw ; and continued in service until the close of the war.

Whittington says (not upon oath) that he knows that Harper was a Revolutionary soldier ; that they fought together in three battles : one under Colonel Murphy with the Tories going to join the British at Camden ; one under Captain Henson, against another gang of Tories going to the same place ; and the third, as draughted militiamen under General Moultrie at Eutaw Springs. Whittington states no time of service, and gives no date. The year, or season of the year, or whether the service was performed in one year alone, is not specified.

Roberts certifies that he has often heard Harper talk of his Revolutionary services ; but states nothing of his own knowledge.

He says that he had a discharge, which was lost or destroyed. He was born in 1765, in Marlborough district, South Carolina, where he lived until 1785, when he moved to the now State of Mississippi, and from thence to Caldwell parish, Louisiana. The sheriff of said Caldwell and nine gentlemen certify that the statements by Harper, Whittington, and Roberts, are entitled to full credit.

It is quite possible that Harper may have served as stated, but the testimony is altogether too vague and uncertain to justify the committee in passing a bill for his relief. They present for the consideration of the Senate the accompanying resolution :

Resolved, That the prayer of the petitioner ought not to be granted.

Witness, printers.

IN SENATE OF THE UNITED STATES.

MAY 8, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT :

committee on Pensions, to whom was referred the petition of Elizabeth Johnson and Ann Hughes, report :

petitioners pray for a pension on account of the Revolutionary service of James Vanosten, whose children and sole heirs-at-law they claim. A similar application has been reported against by this committee the present session ; and the committee will barely add now, that entertain a decided opinion against the extension of the pension to embrace such cases. The committee report the following resolution,

Resolved, That the prayer of the petitioners ought not to be granted.

Rives, printers.

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1-1

MEMORIAL

OF

THE NEW YORK CHAMBER OF COMMERCE,
against the repeal of the Act of March 2, 1837, "concerning Pilots."

MAY 11, 1840.

Referred to the Committee on Commerce, and ordered to be printed.

*the Senate and House of Representatives of the United States, in
Congress assembled:*

The memorial of the Chamber of Commerce of New York

RESPECTFULLY REPRESENTS:

That this chamber has been informed that the pilots for this port, licensed in this State, are endeavoring to obtain a repeal of the law of Congress, approved March 2, 1837, authorizing the commanders of vessels coming into or going out of any port situated upon waters which are the boundary between two States, to employ any pilot, duly licensed and authorized by law, either of the States; and the principal grounds, as the chamber is informed upon which the application for repeal is founded, are, that the New York pilots are sufficient in number for the commerce of the port, and that the New Jersey pilots are not competent to the discharge of their duties. The chamber, however, is of opinion that the extended commerce of this port, and which is continually increasing, will furnish employment for competent pilots from both States; for complaints of the effects of the monopoly now existing, when New York pilots only were employed, have been long standing, and were but too well founded; and, as regards the competency of the New Jersey pilots, the fact has been established by our marine insurance companies (who are not only the most competent parties to judge, but in a regard to their own interests, are also most likely to decide correctly) that fewer accidents have occurred to vessels under charge of the New Jersey pilots, than to those under the management of their opponents. Among the advantages resulting from the law of Congress, is that arising from the more frequent use of the new channel, called Gedney's channel, which has not been a favorite with the New York pilots, and of course not well understood; and in the late instance of the United States frigate going to sea, having one of our most competent New York pilots, as well as a New Jersey pilot on board, the former declined to take charge, while the latter conducted the ship in safety to sea, through the new channel, with only four feet more water than existed in the other channel. The most important benefit resulting from the law is felt in the commerce that has sprung up, and which contrasts so favorably with the in-
J. & Rives, printers.

jurious effects of the combination previously existing among the New York pilots. The loss and danger to our commerce, arising from the neglect of our pilots, who formerly rarely ventured out beyond the waters of the lower bay, was long a subject of just reproach, and called loudly for redress; whereas, now, pilot boats are continually found boarding vessels fifty miles from port; a circumstance almost unknown during the existence of the former monopoly.

Believing, therefore, that no injury, justly worthy of complaint, can result to the New York pilots from the law, and as the advantages attending its operation are alike manifest and important, as well as essential to the safety of our trade and commerce, your memorialists would respectfully request that the law in question may be allowed to remain in force.

ISAAC CAROW,

President of the Chamber of Commerce of New York.

EDWARD A. B. GRAVES, *Secretary.*

NEW YORK, May 5, 1840.

NEW YORK, May 6, 1840.

SIR: I have the honor to enclose a memorial passed yesterday, at a full meeting of the Chamber of Commerce, without a dissenting voice; which you will please lay before the Senate at your earliest convenience.

Very respectfully, your obedient servant,

EDWARD A. B. GRAVES,

Secretary of N. Y. C. C.

HON. SILAS WRIGHT,

United States Senate, Washington.

MEMORIAL

OF

NUMBER OF CITIZENS OF GEORGETOWN, IN THE DISTRICT OF COLUMBIA,

PRAYING

the adoption of measures to compel the banks in the District of Columbia to resume specie payments, or to wind up their affairs.

MAY 11, 1840.

Referred to the Committee on the District of Columbia, and ordered to be printed.

the honorable Senate and House of Representatives of the United States :

The memorial of the undersigned, citizens of Georgetown, D. C.,

RESPECTFULLY REPRESENTS: ' "

That the suspension of payment by the banks of the District of Columbia is a gross and *palpable* violation of their charters, by which valuable privileges were conferred upon them; that it is an *outrage* upon the common sense of the community in which they are situated, *debasing* and *devaluing* in its tendency and example; and a grievous injury and oppression upon those who are compelled to take their notes at their nominal value in payment for their labor.

That the mere association of a number of individuals in the form of a chartered company, gives them *no* license for dishonesty, or impunity for the same, in their aggregate, more than in their individual capacity.

That the banking institutions of the District having been chartered *properly* for the purpose of promoting the interests and convenience of the inhabitants thereof, we are the best, and should be the only judges in what manner our interests and convenience are best promoted.

That, at the suspension of payment by the banks of this District, in the second week of October, 1839, they had in circulation upward of seven hundred thousand paper dollars, which by that act were depreciated $12\frac{1}{2}$ per cent., *inflicting* a loss of upward of *one hundred thousand dollars* on the holders thereof; that the rates of depreciation since that period, have varied from $12\frac{1}{2}$ to 8 per cent., thus filching from the working-man, from one-eighth to one-twelfth of the nominal amount received as the wages of labor.

That the practical operation of this state of things in the District is, that those who are in the service of the Government receive their compensation in gold and silver, their neighbors are compelled to receive, as a

W & Rives, printers.

return for their labor, depreciated bank paper ; thus *constituting, essentially, one currency for the Government and another for the people.*

They, therefore, pray your honorable body to take such measures may, at the earliest possible day, compel the banks of the District to fulfill their obligations by the resumption of specie payments, or that they be required to assign their property for the benefit of their creditors, and settle up their affairs.

James A. Ratcliff,
Robert S. Clements,
W. M. Walling,
Wm. F. Upperman,
Michael Miller,
Joseph McClain,
Thomas G. Warren,
Samuel C. Pauly,
John Tenent,
John Hurdle,
E. B. Mountz,
John Mareins,
William King, jr.,
John Paul,
Edward Deeble,
William G. Lovejoy,
John Eastin,
Thomas H. Paul,
James Meem,
James W. Clements,
Robert Rowlings,
William Adams,
William Williams,
E. T. Offutt,
Samuel S. Fearson,

Joseph N. Fearson,
William Pomery,
Gideon Pearce,
Robert White,
R. Jones,
Charles S. Jones,
Charles Reily,
Richard Ballenger,
James A. Simpson,
Thomas K. Wilson,
John Garrett,
Walter C. Pierce,
Andrew Pauly,
Samuel Davis,
George R. Hilton,
Richard Flowers,
James B. Grennell,
Robert Johnson,
William Johnson,
J. H. Knott,
William Remington,
Levin Jones,
Henry Upperman,
Jesse Leatherbury.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

*in compliance with a resolution of the Senate, in relation to the sale
or exchange of Government drafts for bank-notes.*

MAY 11, 1840.

Read, and ordered to be printed.

to the Senate of the United States :

In compliance with the resolution of the Senate of the 29th of December last, I herewith submit a report from the Secretary of the Treasury, and the documents therein referred to.

M. VAN BUREN.

MAY 11, 1840.

TREASURY DEPARTMENT, March 28, 1840.

Sir: I have the honor to submit this report, in pursuance of your call on this department, to furnish the information connected with it, required by the following resolution, adopted by the Senate on the 29th of December

Resolved, That the President of the United States be requested to cause proper inquiries to be made of all disbursing officers and agents, and all factors (the Post Office Department inclusive), to ascertain from them whether they have sold or exchanged Government drafts or other Government funds, or their own drafts on the Government, during the years 1838 and 1839, for paper money of the following descriptions :

1. Bank-notes of the late Bank of the United States, and especially notes of a less denomination than twenty dollars.

2. Bank-notes of the present bank of the United States, and especially of a less denomination than twenty dollars.

3. Post-notes of the present Bank of the United States, and especially of such notes of a less denomination than one hundred dollars ; also, of notes of a less denomination than twenty dollars, and which had been made payable more than sixty days after date, or which were not due, or which had been altered by the pen ; and if so, that they report the times and places of sales or exchanges, and with whom made, and the amounts so sold or exchanged.

W. Rives, printers.

"Also, that the President communicate to the Senate the name disbursing officer, agent, or contractor, who shall fail to answer the inquiries in a reasonable time. Also, that he communicate a list of Treasury or Post Office drafts in favor of disbursing officers, agents, or contractors, for the years 1838 and 1839, as shall appear to have been paid, with the names of the endorsers, and to whom paid."

The statements of the disbursing agent of this department, and of all offices, marked A 1 to 13, herewith enclosed, show the facts in regard to them respectively.

Statements of the officers charged with disbursements on account of the survey of the coast of the United States, and the manufacture of weights and measures, marked B 1 to 4, are also subjoined.

Statements of the agents who have disbursed public money on account of the erection of custom-houses, marine hospitals, and the public works at Baltimore, marked C 1 to 5, are added.

A list of all the drafts in favor of disbursing officers, agents, and contractors for the years 1838 and 1839, which shall appear to have been paid, with the names of the endorsers, and to whom paid, would impose a duty on the Treasurer's office, which could only be performed by giving the almost every draft sent from his office during those two years.

These drafts are several thousands in number. Were a statement prepared showing the endorsements thereon, and the names of the individuals to whom paid, it would still be impracticable without additional effort to distinguish the cases of actual sale, from those of deposit or exchange of specie. I have not, therefore, required the Treasurer to prepare such a statement, but all the certain information as to sales and exchanges of drafts, in pursuance of the resolution, made by officers and agents of this department, which could be obtained, has been procured and is submitted in the statements enumerated.

I have the honor to be, sir, very respectfully, your obedient servant

LEVI WOODBURY,
Secretary of the Treasury

The PRESIDENT of the United States.

A 1.

TREASURY DEPARTMENT, *February 20*

SIR: In reply to the inquiries, contained in your circular to the disbursing officers, respecting the sale or exchange of Government drafts, for Government funds, during the years 1838 and 1839, for the paper currency of the Bank of the United States, I have the honor to state that no such exchange has taken place, whatever, has any such exchange been made by me.

Very respectfully, your obedient servant,

R. ELA,

Hon. LEVI WOODBURY,
Secretary of the Treasury.

A 2.

TREASURY DEPARTMENT,
Comptroller's Office, February 14, 1840.

have the honor to state, in reply to the inquiries contained in
 lar of the 5th ultimo, this day received, that I have never, as the
 agent of this office, sold or exchanged Government drafts, or
 ernment funds, or my own drafts upon the Government, during
 1838 and 1839, for the bank-notes or post-notes of the late or pres-
 of the United States, of any description whatever.

With great respect, your obedient servant,

GEORGE WOOD.

EVI WOODBURY,
Secretary of the Treasury.

A 3.

TREASURY DEPARTMENT,
Second Comptroller's Office, February 14, 1840.

I have this day received your circular, dated the 5th ultimo, re-
 o be informed if, during the years 1838 and 1839, I have exchang-
 overnment drafts or funds for those of the late or present Bank of
 ed States, &c.

swer to which, I would respectfully state, that I have not sold or
 d the Government funds for those of the late or present Bank of the
 States, in any shape whatever, within the period specified.

respectfully, your obedient servant, J. SEAVER,

*Agent for disbursing the salaries and contingencies
 of the Second Comptroller's office.*

SECRETARY of the Treasury.

A 4.

TREASURY DEPARTMENT,
First Auditor's Office, February 15, 1840.

I received your circular of the 5th ultimo on yesterday, and, in an-
 it, have the honor to inform you, that, as disbursing agent of this
 did not, during the years 1838 and 1839, sell or exchange Govern-
 rafts, or Government funds, or my own drafts on the Government,
 k-notes of the late Bank of the United States, or bank-notes of the
 Bank of the United States; especially notes of either of said banks
 denomination than twenty dollars. Neither have I, during said
 sold or exchanged any such drafts or funds aforesaid, for post-notes
 resent Bank of the United States, and especially any such notes of
 enomination than one hundred dollars; or of a less denomination

than twenty dollars which had been made payable at more than sixty after date, or which were not due, or which had been altered by the pe

I have the honor to be, with great respect, your obedient servant,
A. MAHON

Hon. LEVI WOODBURY,
Secretary of the Treasury.

A 5.

TREASURY DEPARTMENT,
Second Auditor's Office, February 14, 1840

SIR: In reply to the printed circular of the 5th ultimo, this day received by the Secretary of the Treasury to all disbursing officers and agents of his department, I have the honor to state, that the only funds which are charged with the disbursement of, are those appropriated for contingent expenses; that, as regards these funds, the uniform practice is to deposit the Treasury draft, issued to meet the demands, in the Bank of Metropolis to the credit of the Auditor; and on which institution his drafts are drawn in favor of the claimants.

Under this arrangement, no sale or exchange of Government drafts has taken place, nor bank notes of any description come into the possession of the undersigned.

With great respect, your obedient servant,
W. B. LEWIS

Hon. LEVI WOODBURY,
Secretary of the Treasury.

A 6.

THIRD AUDITOR'S OFFICE, *February 14, 1840*

SIR: I had the honor this morning to receive your "circular to all disbursing officers and agents and all contractors employed by the Treasury Department," under date of the 5th ultimo, in which you request to be furnished with specific statements upon the several points raised by the resolution adopted by the Senate of the United States in relation to the sale or exchange of Government drafts or other Government funds during the years 1838 and 1839, for notes of the late Bank of the United States, or the notes or post-notes of the present Bank of the United States, so far as regards such transactions.

In compliance with your request, I have the honor to state, that I have in no case during the years 1838 and 1839, sold or exchanged Government drafts or Government funds, or my own drafts on the Government, for notes of the late Bank of the United States, or the notes or post-notes of the present Bank of the United States, of any description or denomination.

I have the honor to be, most respectfully, your obedient servant,
J. THOMPSON, Agent

Hon. LEVI WOODBURY,
Secretary of the Treasury.

A 7.

TREASURY DEPARTMENT,
Fourth Auditor's Office, February 15, 1840.

I had the honor to receive yesterday your circular of the 5th ult., on "all disbursing officers and agents," &c., &c., for a reply to the one adopted by the Senate of the United States, in the following

resolved, That the President of the United States be requested to cause per inquiries to be made of all disbursing officers and agents, and all persons (the Post Office Department inclusive), to ascertain from them whether they have sold or exchanged Government drafts or other Government funds, or their own drafts on the Government, during the years 1838 and 1839, for paper money of the following descriptions :

Bank-notes of the late Bank of the United States, and especially notes of a less denomination than \$20.

Bank-notes of the present Bank of the United States, and especially of a less denomination than \$20.

Post-notes of the present Bank of the United States, and especially such notes of a less denomination than \$100 ; also, of a less denomination than \$20, and which had been made payable at more than sixty days after date, or which were not due, or which had been altered by the holder if so, that they report the times and places of such sales or exchanges, and with whom made, and the amount so sold or exchanged."

In answer, I hereby explicitly state that I have not within the period named in the foregoing resolution, sold or exchanged Government drafts or Government funds, or my own drafts on the Government, for paper money of either of the descriptions specified in the said resolution.

I have the honor to be, very respectfully, sir, your obedient servant,

GEO. GILLISS, *Agent*

for paying contingent expenses, 4th Auditor's Office.

M. LEVI WOODBURY,

Secretary of the Treasury.

[Enclosure of A 7.]

TREASURY DEPARTMENT,
Fourth Auditor's Office, February 17, 1840.

Re: Your "circular to all disbursing officers and agents, and all persons employed by the Treasury Department," dated the 5th January, 1840, was shown to me, for the first time, on the 14th instant.

In compliance with the requisitions contained in the resolution of the Senate, referred to therein, and with your request, I have the honor to state that, as Agent for paying the salaries in this office, I sold, on the 28th December, 1839, to Charles J. Nourse, Esq., broker and commission merchant, in Washington, a Treasury draft, drawn in my favor on the collector of the Treasury in Alexandria, for \$1,765 50 to be paid, in part, in bank notes, in the District, without further specification of such notes. The balance of the draft was made by Mr. Nourse, partly in specie, say about \$1,000, and the residue in notes of the Pennsylvania Bank of the United States, of the denominations of *hundreds, fifties, twenties*, and, as well as I recollect, one or two of *tens* ; which notes were, on the same day, deposited

to my credit as agent in the Bank of the Metropolis (the bank in which had been directed by the Secretary of the Treasury to keep my account agent), and drawn out by checks in favor of the persons to whom it was due.

I have the honor further to state that, I have not "sold or exchanged Government drafts or other Government funds, or my own drafts on Government," during the years 1838 and 1839, with any other understanding than that they were to be paid for in notes current in the District, without specifying the notes of any particular bank, nor have I received payment for any Treasury drafts during that period, in the notes of the Pennsylvania Bank of the United States, except for the one before-mentioned.

I have the honor to be, sir, very respectfully, your obedient servant,
T. H. GILLISS, Agent.

Hon. LEVI WOODBURY,
Secretary of the Treasury.

A 8.

OFFICE OF THE FIFTH AUDITOR OF THE TREASURY,
February 14, 1840.

SIR: In reply to a circular received this day from the Treasury Department, and dated January 5, 1840, addressed to me as disbursing agent of the office of the Fifth Auditor of the Treasury, requiring to know what I have, in the years 1838 and 1839, sold or exchanged Government drafts or Government funds, for bank-notes of the late Bank of the United States, for bank-notes of the present Bank of the United States, and for post notes of the present Bank of the United States, &c., &c.

I have to state that in no instance have I sold or exchanged Government drafts or funds for paper money of the description above recited.

I have the honor to be, sir, very respectfully, your obedient servant,
JOHN DEVLIN, Agent.

Hon. LEVI WOODBURY,
Secretary of the Treasury.

A 9.

AUDITOR'S OFFICE OF THE TREASURY,
Post Office Department, February 15, 1840.

SIR: Upon the subject of your circular letter to disbursing office agents, and contractors, employed by the Treasury Department, of the 10th ultimo, received at this office yesterday; I have the honor to state, that the moneys appropriated for the contingencies of this office for the year 1838 and the year 1839, were drawn from the Treasury and disbursed by me, and that the moneys appropriated for salaries in this office for the same period, were paid out by N. Tastet as agent, until the 30th April, 1839, by Richard Dement, from that date. With this explanation, I beg leave to reply to the three points of inquiry in your letter, in the negative. I

her have Government drafts on account of either of the above-menefunds, been sold or exchanged, in any case, for notes of the late or Bank of the United States, or for the post notes of the latter.

As the honor to remain, your most obedient servant,

C. K. GARDNER, *Auditor.*

L. LEVI WOODBURY,
Secretary of the Treasury.

A 10.

TREASURY DEPARTMENT,
Register's Office, February 14, 1840.

Sir: I have the honor to state, in reply to your letter of the 5th instant, I have not, as disbursing agent of this office, sold or exchanged Government drafts or other Government funds, or my drafts on the Government for the bank-notes or post-notes of the late or present Bank of the United States, unless they were received without special notice, with other current in this District.

I have the honor to be, sir, your obedient servant,

MICHAEL NOURSE.

L. LEVI WOODBURY,
Secretary of the Treasury.

A 11.

TREASURY OF THE UNITED STATES,
February 14, 1840.

Sir: In reply to your circular of the 5th ultimo, received this day, and in pursuance to the resolution of the Senate of the United States therein contained, I have the honor to report: That, as agent for paying salaries in the Treasury of the United States I have, during the years 1838 and 1839, received at the close of each month, "Government drafts," or (occasionally) Treasury notes, for the amount of salaries which had accrued during the month. These drafts or "other funds" being, in fact, the joint property of the Treasurer, his clerks, and messenger, as compensation for services rendered, have been disposed of in accordance with the wishes of the parties interested; but they have, in no instance, been sold or exchanged for paper of the late or present Bank of the United States, of any denomination, although it has occasionally happened that a few of the notes of this institution have been received, among the notes of other banks, in exchange for drafts, and distributed therewith among the parties concerned, without giving note of their denominations or amount. I am, therefore, entirely prepared to respond more particularly to the several propositions contained in the resolution, and can only add my impression that, in the two years, the amount of paper of this institution received by me for this purpose, has not exceeded two thousand dollars.

As agent for paying the contingent expenses of the office, I have received, during the aforesaid period, and prior to the late suspension of specie pay-

ments, no other funds (with one exception) than drafts on, or payable to the Bank of the Metropolis; which drafts, including the one excepted draft on the collector at New York for \$300), have been deposited to the official credit in the said Bank of the Metropolis, and checked out as required.

Since the last suspension of specie payments, I have received but one draft on this account, which, being on New York, was exchanged for specie, and the identical specie was used in my disbursements.

I have the honor to be, sir, your obedient servant,

WM. B. RANDOLPH.

Agent for the Treasurer's Office

HON. LEVI WOODBURY,

Secretary of the Treasury.

A 12.

OFFICE OF THE SOLICITOR OF THE TREASURY,
February 17, 1840

SIR: I have had the honor to receive your circular of the 5th ultimo addressed to me as disbursing agent of the office of the Solicitor of the Treasury, and in answer to the resolution of the Senate of the United States therein contained, beg leave to state that, during the years 1838 and 1839, the amount of the salaries due the Solicitor of the Treasury, his clerks, messenger, were placed in my hands in "Government drafts;" that, previous to the suspension of specie payments by the banks of this District, these drafts were deposited in the Bank of the Metropolis to my credit, and were given to the several gentlemen of the office, for the amounts due them. Since the suspension of specie payments, these drafts have been paid directly to the gentlemen interested, leaving them to make such disposition of them as best suited their convenience. The contingent fund of the office has, in like manner, been paid me in "Government drafts," which were also deposited in the Bank of the Metropolis, and disbursed in checks at the said bank. In no instance have they been sold or exchanged by me for notes of the late or present Bank of the United States. Doubtless the gentlemen interested have frequently received bank paper in exchange for them, and probably, in some instances, paper of the Bank of the United States, but to what amount I have no means of ascertaining.

Very respectfully, sir, your obedient servant,

NICHOLAS HARPUR, *Agent*

HON. LEVI WOODBURY,

Secretary of the Treasury.

A 13.

GENERAL LAND OFFICE, February 17, 1840

SIR: I have the honor to acknowledge the receipt of your circular of the 5th ultimo, addressed "to all disbursing officers and agents and contractors employed by the Treasury Department," and requesting

hed with statements upon the several points raised by the resolution Senate therein recited.

reply, I have to state that, during the years 1838 and 1839, I have not nged the Government funds (Treasury drafts and Treasury notes) l in my hands, for notes of the late or present Bank of the United , or for post notes of either of them.

With great respect, I am, sir, your obedient servant,

M. FITZHUGH, *Agent.*

n. LEVI WOODBURY,

Secretary of the Treasury.

S. Your letter to which this is intended as a reply, was not received the 14th instant.

B 1.

SPRINGFIELD, *January 13, 1840.*

a: I have the honor to acknowlege the receipt of your circular of the instant. In reply to same I have to state, that I have neither "sold nor nged Government drafts or other funds" at any time to any person. The funds received by me for disbursements for account of the coast y, are placed in deposite in the Bank of America, New York, and yments made by me to persons employed, and for articles purchased, y checks on that institution.

the 13th March, 1838, I received a remittance of \$6,000 in Treasury : these notes were sent to the Bank of America, and I was there cred- with $\frac{1}{2}$ per cent. advance on the same (amounting to \$7 50). This was carried to the credit of the United States, as will be seen by refer- to my account current for first quarter of 1838.

y respectfully, your obedient servant,

W. H. SWIFT,
Disbursing Officer.

n. LEVI WOODBURY,

Secretary of the Treasury.

B 2.

WASHINGTON, *February 6, 1840.*

a: In answer to your circular of the 6th of January, I have respect- to state, that I have never sold or exchanged Government drafts, or Government funds, or my own drafts on the Government, or pur- and post-notes in any instance whatever.

m, respectfully, your obedient servant,

THOS. R. GEDNEY,
Lieutenant Commanding.

n. LEVI WOODBURY,

Secretary of the Treasury, Washington. D. C.

B 3.

WASHINGTON, *January 10, 18*

SIR: In reply to your circular of the 6th instant, I beg to state, have never sold or exchanged any Government draft, or any other Government funds intrusted to me, for paper money of the late or present Bank of the United States, of any description whatever.

I have the honor to be, sir, respectfully, your obedient servant,

R. S. BLAKE,

Disbursing Agent of coast survey

Hon. LEVI WOODBURY,

Secretary of the Treasury, Washington.

B 4.

FRANKFORD ARSENAL, *January 9, 18*

SIR: In reply to your circular of the 6th instant, I have the honor to state, that, so far as regards the disbursements made by me on account of weights and measures, I have never exchanged funds so intrusted to me for notes of the late or present Bank of the United States. If the inquiry in the circular extends beyond my immediate agency under your department, I beg to state, that, in exchanging Treasury drafts, or notes, for Government funds of less denomination, to facilitate the payment to the hired mechanics at the Washington arsenal, in the temporary absence of the master, United States Bank notes *may* possibly, in part, have been received, but no such exchange was ever made by me, in reference to the United States or other banks, only so far as their notes were current at Washington. In all such cases, where premium accrued, it was paid over to the hired mechanics, and the fact noted.

I have the honor to be, your most obedient servant,

GEO. D. RAMSAY,

Captain of Ordnance

Hon. LEVI WOODBURY,

Secretary of the Treasury.

C 1.

BOSTON, *January 11, 18*

SIR: I have the honor to acknowledge a letter from the department under date of the 6th instant, to hand this day, requesting answers to certain questions as therein stated.

In reply, I deem it sufficient to state that all warrants and drafts transmitted to me by the Treasurer of the United States, as disbursing agent for erecting a new custom-house in Boston, have been collected in specie or its equivalent, and all disbursements have been made in specie, or its equivalent, viz: in bills of specie-paying banks.

With much respect, I am, sir, your obedient servant,

ROB. G. SHAW,

Disbursing Commissioner

Hon. LEVI WOODBURY,

Secretary of the Treasury.

C 2.

ND COUNTY OF NEW YORK.

Walter Bowne, being solemnly sworn, doth hereby swear, that I have during the years 1838 or 1839, either sold or exchanged any funds of, or of, the Government, for any bank-notes, either of the present or United States Bank, or any of the post-notes of the present United Bank.

WALTER BOWNE,

Com. and Dis. Agent of N. Y. Custom-house building.

Seen to before me, this tenth day of January, A. D. 1840.

ISAAC L. VARIAN, *Mayor.*

C 3.

COLLECTOR'S OFFICE,

NEW ORLEANS, *January 19, 1840.*

Sir: I have the honor to acknowledge the receipt of the circular, dated the instant, addressed to all disbursing officers and agents, and consular agents employed by the Treasury Department. In reply, I beg leave to inform you that no transactions of the kind, mentioned in said circular, have taken place in my office since I have entered upon the duties of collector; and that I am informed that it has also been the case with my predecessor.

I am, sir, very respectfully, your obedient servant,

D. MINER, *Collector.*

LEVI WOODBURY,

Secretary of the Treasury.

C 4.

MOBILE, *January 16, 1840.*

Sir: I have the honor to acknowledge the receipt of a circular from the Treasury Department, on the subject of Treasury drafts, &c., dated 6th instant, and have only to reply, to the three articles of inquiry, that none of the inquiries have any relation to me, not having sold any Treasury drafts, or any other funds, or dealt, in any manner or form, in notes of the United States Bank, or any other bank, so that my answer is negative to all the subjects of inquiry.

I have the honor to remain your obedient servant,

JNO. B. HOGAN, *Collector,**and Agent for the erection of Marine Hospital.*

LEVI WOODBURY,

Secretary of the Treasury.

Q. As I am addressed as agent for the erection of a marine hospital, collector, I can state I have never received but one draft of \$4,000 to purchase a lot for the marine hospital, and it was paid in specie to Joshua B. B. B.

OFFICE OF COMMISSIONERS

FOR BUILDING A PUBLIC WAREHOUSE,

Baltimore, January 8, 1846

SIR: In reply to the interrogatories propounded in your circular of 6th instant, we have the honor to state, that we have not "sold or changed Government drafts, or other Government funds," or our drafts on the Government, for either description of paper money referred to, or any other.

The drafts remitted us, on account of disbursements under our contract, have been uniformly deposited to our credit in the Franklin Bank, in this city, and checked upon as the disbursements were made.

With great respect, we have the honor to be, your obedient servants,

JOSEPH WHITE,

JAS. HOWARD,

Commissioners

Hon. LEVI WOODBURY,

Secretary of the Treasury.

MEMORIAL

OF

A NUMBER OF CITIZENS OF WISCONSIN,

PRAYING

confirmation of the title of Francis Laventure and others to certain lands in Milwaukie.

MAY 12, 1840.

Referred to the Committee on Public Lands, and ordered to be printed.

to the honorable the Senate and House of Representatives of the United States, in Congress assembled:

Memorial of the undersigned, inhabitants of the county of Milwaukie and Territory of Wisconsin,

RESPECTFULLY REPRESENTS:

That, in the summer of 1835, Francis Laventure, Ebenezer Childs, and Thompson, of Green Bay, in said Territory, being possessed of three rights under the pre-emption law of 19th of June, 1834, located the same agreeably to the provisions of said law, upon lots one, two, and three, section thirty-two, township seven, range twenty-two, at the Green Bay office, and received the receiver's receipts for the same.

In the same summer of 1835, and at the time of the locating the said rights, these lands were, by proclamation of the late President of the United States, ordered to be sold at Green Bay, in the month of September of that year. At that time the whole of said township seven was sold, except such tracts as had previously been obtained by pre-emption or floating

in the purchase of these lands of the United States in 1835, the original purchasers, and those who hold under them, held undisputed possession of said premises until the month of May, 1838, when they learned with surprise that the floating rights of the abovenamed individuals had been annulled, and that an order had been issued by the Commissioner of the General Land Office to the land officers at Green Bay to refund the purchase money paid for the same. This decision was made upon the ground that the lands acquired by the United States at the treaty of Chicago, were not subject to the operations of the pre-emption law of 19th June, 1834. This treaty was concluded on the 27th of September, 1833, but was not ratified until the 1st of February, 1835. The pre-emption law of 1834 required cultivation by the settler in 1833; but, as the above treaty was not ratified till that time, no pre-emption could be obtained on any lands acquired by the United States, as any person settling upon the same would be a trespasser.

upon the rights of the Indians. This reasoning, however sound it may does not apply in the present case, because the pre-emptions from which these floats originated were perfected upon lands, the title to which, a long time previous, had been in the United States. However this question may be settled, we cannot see what bearing it can have upon the title to the lands in question, *provided* these floats were located upon lands which *at the time of such location, actually belonged to the United States.* The act of 27th May, 1830, which was revived by the act of 19th June, 1834, provides, that where two or more persons may be settled upon the quarter section the same may be divided, and each of such settlers shall be entitled to a pre-emption of *eighty acres elsewhere* in said land district. The pre-emptions from which these floats originated were obtained under the act of 19th June, 1834, and the floats laid upon lands *within the district*, which, at the very time of these locations, were proclaimed for sale by the President of the United States.

The act of Congress allowing the location of floats upon any lands within the district, is without reservation or restriction; and, in the present case, we can see no reason for the decision requiring the title to the above lands to have been in Government in 1833. But whether the title was or was not in the United States, and even admitting *it was not*, up to the time of the purchase by these individuals, yet Government assumed the ownership, and by its agent guaranteed a title to the purchasers; and, if the Government now has a title, so should the title to these purchasers and those claiming under them be perfect.

If, however, these points on strictly legal grounds should be decided against the present owners, still they rely upon the justice and liberality of Congress for a confirmation of the titles to the above lands. If any error has been committed, it has been by the land officers at Green Bay, and the innocent purchasers under the original owners are now made to suffer from this ignorance of their official duties. Since the original entry, the title of the lands embraced in the abovementioned tracts have passed from the original owners to a large number of innocent purchasers. These lands have been laid out into lots as part of the town of Milwaukee, and are owned by hundreds of individuals, all of whom bought in good faith, paying full prices, and many of them have made valuable improvements thereon, thus posing no doubt existed as to the validity of the titles. If, after a lapse of three years, pre-emptions allowed by the authorized agents of Government are to be rejected, there is no safety in purchasing any lands similarly situated, no matter at what time they may have been purchased. The course would involve in ruin the best citizens of the west, and destroy confidence in titles, whether derived from the General Government or from private individuals. It would prevent the exchange of property similarly situated, retard the settlement of the country, and, in the present instance, will seriously affect the interests of a large number of people, and involve our inhabitants in general and ruinous litigation.

These premises are a part of the town site of Milwaukee. In the erection of buildings and other improvements, a large amount of money has been expended; which, together with the purchase money, unless the title to these lands should be confirmed, will be lost to the present proprietors.

In view, therefore, of all the circumstances of the case, the amount of property involved, the number of persons through whom the title has passed, and the length of time that has elapsed since the original purchase,

actfully ask, is it proper for Government to make hundreds of purchasers suffer for the errors or ignorance of its own officers? There might be said by your memorialists to induce your honorable parent relief to the present proprietors of the above lands. They however, that sufficient has appeared to recommend the matter your consideration.

Memorialists therefore pray that said floating rights may be allowed, and that patents may be issued accordingly; or that such may be granted to the present proprietors of said lands as may be proper. And your memorialists will ever pray.

El W. Hill
 Wm E. Dibble
 Hall
 Morse
 G. Guild
 J. Peck
 El S. Eaton
 Beard

Thomas Drought
 Robert Drought
 Geo. Drought
 Joseph Terry
 Alexander Reid
 Edward S. Blake
 John Montague

TO LAND IN WISCONSIN, ACQUIRED BY POSSESSION AND CULTIVATION, AND ACKNOWLEDGED, RECOGNISED, OR CONFIRMED, BY ACTS OF CONGRESS, BY ACTS OF CESSION, AND BY RESOLUTIONS AND ACTS OF CONGRESS.—BY J. D. DOTY.

Amity, Commerce, and Navigation, between the United States and Great Britain (known as Jay's Treaty) concluded Nov. 19, 1794.

2. His Majesty will withdraw all his troops and garrisons from all places within the boundary line assigned by the treaty of the United States. This evacuation shall take place on or before the 1st of June, 1796, and all the proper measures shall in the interim be taken by concert between the Government of the United States and the governor general in America, for settling the previous claims which may be necessary respecting the delivery of the said territory to the United States, in the meantime, at their discretion, extending to any part within the said boundary line, except within the limits or jurisdiction of any of the said posts.

Settlers and traders, within the precincts or jurisdiction of the said territory, shall continue to enjoy, unmolested, all their PROPERTY of every kind, and shall be protected therein. They shall be at full liberty to remain, or to remove with all or any part of their effects; and it shall be lawful for them to sell their lands, houses, or effects, or to retain the same, at their discretion; such of them as shall continue to remain within the said boundary lines, shall not be compelled to become citizens of the United States," &c.—*Laws United States*, 206.

Benison, a slave, before Judge Woodward, at Detroit. Extract from the opinion of the judge.

That this country (Michigan) was contracted to be ceded by the treaty of 1783, it was not ceded in fact. The possession was not transferred.

The Congressional Ordinance of 1787 did not, at the time of passage, reach here for want of this actual cession.

"A second contract to cede was made in 1794; the actual cession contracted to be made on the first day of June, 1796. It was not, however, made in fact, and the possession actually transferred, until the seventh day of July, 1796. On the morning of that day the British officers and troops abandoned the country; the flag of their nation was lowered, and that of the United States of America waved over this modern Bosphorus. Up to this last day the laws of the province of Upper Canada were the laws by which the inhabitants were governed."—*Mss. notes.*

Letter of instructions from Robert R. Livingston, Secretary of foreign affairs, to Benjamin Franklin, minister, relative to the treaty of peace with England.

"The first point of discussion will be the limits of the United States."

"His idea (the King of England) of these limits is apparent from charters granted by the crown; and from recent grants made by its representatives in several of the States, it appears that they considered their authority to grant lands to the westward, as coextensive with the right of Great Britain, unless they were restricted by the interference with other governments."

"Upon this principle the servants of the crown in New York granted land on the borders of Lake Erie, to the westward of Niagara. And Virginia, even after the proclamation of 1763, patented considerable tracts upon the Ohio, far beyond the Appalachian mountains. It is true that several governments were prohibited at different times from granting lands beyond certain limits, but these were clearly temporary restrictions, and the policy of maintaining a good understanding with the natives dictated, and were always broken through after a short period, as is evinced by the grants abovementioned, made subsequent to the proclamation in 1763."

"The slightest examination of them shows that they did not take away, but restrained an existing right, and the subsequent grants of the government are evidence that they were, as is before asserted, mere temporary restrictions."

"The rights of the King of Great Britain to America were incident to his rights of sovereignty over those of his subjects that settled America and explored the lands he claims. For the idea of right derived from mere discovery, and the vain ceremony of taking possession without settling and continuing that possession, is now fully exploded."—*Dissertation on the rights of the British in America, vol. 3, p. 268, 271.*

Opinion of Chief Justice Marshall on the proclamation of 1763, 8 Wheat. R. 594 to 603.

"The country (Maine) was settled by emigrants, some from England, but chiefly from Massachusetts, who took possession of lands they found unoccupied, and secured themselves in that possession by the best means in their power."

"Massachusetts claimed the country and governed it [in virtue of her possession]. As her claim was adversary to that of the proprietors, she encouraged the settlement of persons made under her authority, and encouraged likewise their securing themselves in possession by purchasing"

and forbearance of the Indians." "THE TITLES HELD UNDER US WERE SANCTIONED BY LENGTH OF POSSESSION."

Island was settled in the same manner." "Individuals *acquired property* in the lands which they *cultivated and improved*." Charles secured their title to the soil. "The object of the crown was to settle the west of America; and when a portion of it was settled, *without the rights of others*, by persons professing their loyalty, and solicited the sanction of an act, the consequences of which were ascertainable, it would have been unwise as ungracious, to expel them from their habitations because they had obtained the Indian title otherwise through the agency of government."

the Commissioners of the United States, on the land titles at Green Bay and Prairie du Chien, November 9, 1821.

It is said to have been in the spring of 1673, that Pere Marquette and Joliet took their departure from the French settlement at Green Bay, in quest of discovery up the Neenah or Fox river, and down the Wisconsin to the Mississippi. This channel of communication between the Great Lakes and the Mississippi, from about that period, had attracted a considerable portion of public attention. The French voyagers continued generally to take that route; the Indian traders most usually did; the same channel through which Carver also penetrated into the Wisconsin country in 1766.

Though the commissioners have not on this head been able, in so short a time, to procure that ample and certain information which is desirable, they are nevertheless relieved that not very many years after its first discovery in 1673, at Green Bay, a permanent establishment was made by them at the Prairie du Chien. Vestiges of an old and a strong French fort are still discernible at Green Bay, though it is stated to have been destroyed so early as in the first year of the Revolutionary war."

Allowez, an enterprising Catholic missionary, became located at Green Bay, superintending a religious establishment there, in 1668; and during that period the settlement at 'la Baye' does not seem to have been discontinued while the French remained masters of Canada. The Chevalier de La Potherie, having under his command a military force, was stationed at Green Bay the winter of 1680. Lieut. de Luth, a few years afterward held the command of the posts, under the superintendency of the commandant at Michilimackinac, of which it was a dependancy.

During the whole period alluded to the Fox Indians seem to have been the proprietors of the country comprehending the settlement. These Indians were checked and signally defeated by the French troops under Capt. de La Potherie, with the aid of their allies, the Chippewas [and Menomonies] in the year of 1706 at a place since called the 'Butte des Morts.' A great number of them were destroyed in this engagement, and many were driven from the country. Upon this historical fact is probably founded the assertion, that the country of Green Bay accrued to the French by the cession of the Fox Indians.

It has been asserted, however, with more positiveness, that the French by Pere Roquette, very many years ago, obtained the cession of a large number of squares of this country, comprehending the fort and the Prairie du Chien settlement.

"But however this fact may be, 'la Baye' was continually occupied as a military post and a missionary establishment until the Canadas were by treaty surrendered to the British. It seems a fact equally well established that the latter continued for some time after their acquisition of the country to keep a military force at Green Bay, as a dependancy of their more important one Michilimackinac.

"The same evidence which tends to establish the fact of the purchase of the country of Prairie du Chien by Lieut. Gov. Patt. Sinclair, by treaty holden in 1781 at Mackinaw of the Indians, establishes also the farther one of the purchase of the country of Green Bay."

Mr. Brisbois swears that in 1781 Gov. Sinclair purchased of the Indians their claim to the island of Mackinaw, Green Bay, and Prairie du Chien, and that he was present at the treaty.

Report H. R. U. S. No. 118, Feb. 25, 1818, by the Committee on Public Lands, on the petition of the inhabitants of Prairie du Chien.

"That in the year 1755 the government of France established a military post near the mouth of the Wisconsin [the post previously built and maintained there was by the traders]; that many French families settled themselves in the neighborhood, and established the village of Prairie du Chien."

"That by the treaty of Versailles, in the year 1763, the village and post, following the condition of the Canadas and the Illinois country, passed to the crown of England. That in the year 1783, the events of the American Revolution again changed their condition, and on the first of June, 1783, the village and the post were formerly surrendered by the British to the United States.

"That many of the petitioners continued their residence, and enjoyed uninterrupted tranquillity till the capture of the fort by the enemy during the last war. The inhabitants, protected in their possessions, appear to have neglected, under the successive governments of France, England, and the United States, to secure to themselves the fields which they cultivate by formal titles."—Bill reported for their relief.

Report H. R. U. S. No. 363, March 12, 1832, by the Committee on Public Lands, on the petition of P. Ducharme, of Green Bay.

"In the year 1783 Dominique Ducharme took possession of certain lands upon the Fox river [at the Grand Kaukaulin]. The evidence adduced by the petitioner shows that, upon the above lands, the said Dominique Ducharme erected a dwelling-house, a store, and out buildings, and occupied and cultivated the lots until the year 1800. After he had taken possession of the lands, certain Indian chiefs then residing there, ceded to him the above premises, by their deed bearing date 1793, and which was afterwards confirmed by other Indians in the years 1796, '7, '8, and '9.

"On the 8th day of July, 1800, the said Dominique sold and conveyed the abovementioned lands to the petitioner, Paul Ducharme, who had then resided there with his brother D. Ducharme several years previously to the sale; and upon the purchase, took the possession of the same lands, and cultivated them to some extent, till the year 1812, being the second year of the war, when he was driven off by the Indians hostile to the United States, &c.

addition to the above facts, the committee would advert to the article of the treaty concluded with Great Britain in 1794, which says that 'all *settlers* and *traders* within the precincts or jurisdiction of the said posts [relinquished by the United States], shall continue to reside there, unmolested, all their property of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove with all or any part of their effects; and it shall also be free to them to sell their lands, houses, or effects, or to retain them at their disposal.' As the aforesaid Dominique Ducharme was a *settler*, in the possession of the above-described lands and buildings at the time of the treaty, it would seem that his claim, as well as the title which the same was derived from him, should be protected by the express direction of the above article."

Agreement with the Chippewa, Sac, Fox, Menomonic, and other Indians, at Prairie du Chien, Aug. 19, 1825. Indian laws, 366.

ART. 10. And the United States agree to and recognise the preceding limitations [of the country of the several tribes] subject to the limitations and restrictions before provided. It being however well understood, that the reservations at Fever river, at the Wisconsin, and St. Peter's, and the settlements at Prairie du Chien and Green Bay, and the lands properly belonging thereto, are not claimed by either of the said tribes."

Treaty of Fort Harmer, by Ar. St. Clair, January 9, 1789.

ART. 12. In like manner, the post at Michilimackinac, with its dependencies, and twelve miles square about the same, shall be reserved to the use of United States."

Treaty of Greenville, by Anthony Wayne, August 3, 1795.

ART. 3. The said Indian tribes do also cede to the United States the post at Detroit, and all the land to the north, the west, and the south of it, of which the Indian title has been extinguished by gifts or grants to the French or English governments."

ART. 4. The lands at all other places in possession of the French and other white settlers among them, of which the Indian title has been extinguished as mentioned in the 3d article."

Act of cession by Virginia to the United States, of the territory northwest of the Ohio river, March, 1784. 1 Laws U. S. 473.

That the French and Canadian inhabitants, and other settlers of the Indian territories, St. Vincents, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties."

Menard vs. Aspasia. 5 Peters's Reports, 508.

Mr. Wirt said the settlements in Illinois were made from Canada and that Canada belonged to France. These people brought with them French laws and customs. This country, a dependancy of Canada,

was ceded with Canada to Great Britain by the treaty of Paris in 1763, and when General Gage, in 1764, took possession of the country in behalf of Great Britain, he promised by his proclamation to the subjects of France then in the territory, that they should enjoy the same rights and privileges, and the same security for their persons and property, as under their former sovereign. In 1778 it was conquered by the troops of Virginia under General R. Clarke. *The country lay within the chartered limits of Virginia, and in the same year it was erected by an act of the Virginia Legislature, into a county of that State. The preamble of that statute cites, that the inhabitants had acknowledged themselves citizens of Virginia, and taken the oath of fidelity to the same. By that act it is declared that the inhabitants shall enjoy their own religion together with their rights and property.*"

Wisconsin was a part of the Illinois country, within her political limits until the year 1818.

An ordinance for the government of the territory of the United States northwest of the river Ohio, July 13, 1787.

"Estates in the said territory may be devised or bequeathed by will in writing, and signed and sealed by him or her in whom the estate may be (being of full age), and attested by three witnesses; and real estate may be conveyed by lease and release or bargain and sale, signed, sealed and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved such conveyances be acknowledged or the execution thereof duly proved, and be recorded within one year, after proper magistrates, courts, and registers, shall be appointed for that service; and personal property may be transferred by delivery; *saving however to the French and Canadian inhabitants and other settlers of the Kaskaskias, St. Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, the laws and customs now in force among them relative to the descent and conveyance of property.*"

Report of a committee on the memorial of George Morgan and his associates, respecting a grant of a tract of land in the Illinois country; adopted by Congress, June 20, 1788. 1 L. U. S. 580, '2, '7. Pet. R. 1.

"That there are sundry French settlements on the river Mississippi, within the tract which Mr. Morgan and his associates propose to purchase." "The heads of families in those villages [Kaskaskia, Prairie du Rocher, Cahokia &c.] appear each of them to have had a certain quantity of arable land allotted to them, and a proportionate quantity of meadow and woodland pasture. Your committee are of opinion that from any general sale which may be made of the lands on the Mississippi, there should at least be reserved so much land as may satisfy all the just claims of the *ancient settlers* on that river, and that they *should be confirmed* in the possession of such lands as they may have had at the beginning of the late Revolution which may have been allotted to them according to the *laws or usages* of the governments under which they have respectively settled.

"And whereas, an additional quantity of land may be necessary for the support of those people *whenever the settlement shall increase*, and

a trade by which they have chiefly subsisted, shall become less profitable our committee are of the opinion that such allowance should also be to them within their reserved limits."

That measures be immediately taken for confirming in their *possessions* *titles*, the French and Canadian inhabitants, and *other settlers* on these who, on or before the year 1783, had professed themselves citizens of United States, or any of them, and for laying off the several tracts which rightfully claim within the described limits."

Resolved, That Congress agree to the said report."

Report of a committee in Congress to whom was referred the preceding report, August 29, 1788. 1 L. U. S. 584.

Resolved, That measure be taken for confirming in their *possessions* *titles*, the French and Canadian inhabitants and other settlers at Post Vincennes, who, on or before the year 1783, had *settled* there, and had professed themselves citizens of the United States, or any of them, and for laying off to them at their own expense the several tracts which they rightfully claim, and which may have been allotted to them according to the customs and usages of the government under which they have respectively *settled*."

These resolutions are styled 'acts' in the instructions of Congress to the Governor of the western Territory to carry them into effect.

A confirmation by the Governor of the northwestern Territory under these resolutions is a release on the part of the United States of all their

Congress was obliged to confirm the settlers in their possessions." *Illinois Reports 236.*

The letter of Mr. Livingston and these resolutions show that the Government of the United States had knowledge of the rights and claims of settlers in the northwest Territory, and of the principles and usages under which the settlements were formed, at the conclusion of the treaty of 1763 and of Mr. Jay's treaty and that the stipulations were intended for the benefit and advantage of the settler according to his actual condition.

Act making provision for the disposal of the public lands, in the Indiana Territory." March 26, 1804, 3 L. U. S. 596.

Sec. 2. "That for the disposal of the lands of the United States, north of the Ohio river and east of the Mississippi river, in the Indiana Territory, land offices shall be established in the same, one at Detroit for the lands lying north of the State of Ohio, to which the Indian title has been extinguished; one at Vincennes for the lands to which the Indian title has been extinguished, and which are included within the boundaries fixed by the treaty lately held with the Indian tribes of the Wabash; and one at Kaskaskia, for so much of the lands included within the boundaries fixed by the treaty of the 13th August, 1803, with the Kaskaskia tribe of Indians, as is not claimed by any other Indian tribes."

Sec. 3. "Every person claiming lands within any of the three tracts of land described in the preceding section, by virtue of any legal grant made by the French government prior to the treaty of Paris, of the 10th of February, 1763; or any legal grant made by the British Government sub-

sequent to the said treaty and prior to the treaty of peace between the United States and Great Britain on the 3d September, 1783; *or of any resolution or act of Congress subsequent to the said treaty of peace*, shall, on or before the first day of January, 1805, deliver to the register of the land office within whose district the land may lie, a notice in writing, stating the nature and extent of his claims, together with a plat of the tract or tracts claimed; and may also, on or before that day, deliver to the said register for the purpose of being recorded every grant, order of survey, deed, conveyance, or *other written evidence* of his claim; and if such persons shall neglect to deliver such notice, &c., or cause to be recorded *such written evidence* of the same, all his right, *so far as the same is derived from any resolution or act of Congress*, shall become void, and for ever be barred."

SEC. 4. Registers and receivers to "be commissioners for the purpose of examining the claims of persons claiming by virtue of the preceding sections." "Each board shall have power to hear in a summary manner all matters respecting such claims, and to decide thereon according to justice and equity—which decisions shall be laid before Congress, and be subject to their decision thereon."

An act supplementary to the preceding act, passed March 3, 1805,
U. S. 670.

SEC. 5. "That persons claiming lands in either of the said three districts either under legal grants derived from the French or British Government, *or by virtue of actual possession and improvement*, or for any other reason whatever, may, until the first day of November next, give notice in writing to the register of the land office of their claims, and have the evidence of the same recorded, &c.; and the right of any person neglecting to give such notice in writing of his claim, and to have the evidence recorded, shall become void, and for ever be barred."

Former commissioners appointed to have the same powers in relation to the claims thus filed; and all claims rejected or confirmed to be removed from sale until the decision of Congress thereon.

"An act regulating the grants of land in the Territory of Michigan
March 3, 1807, 4 L. U. S. 109.

SEC. 2. "That every person or persons in the actual *possession, occupancy, and improvement* of any tract or parcel of land, in his, her, or their own right, at the time of the passing of this act, within that part of the Territory of Michigan to which the Indian title has been extinguished, and in which said tract or parcel of land was settled, occupied, and improved by him, her, or them, prior to, and on, the first day of July, 1796, or by any other person or persons under whom he, she, or they, hold or claim a right to the occupancy or possession thereof, and which said occupancy or possession has been continued to the time of the passing of this act, shall be *granted*, and such occupant or occupants shall be confirmed in the title to the same, as an estate of inheritance in fee simple."

SEC. 3. "That the secretary of the Territory of Michigan, together with the register and receiver of public moneys of the land office at Detroit, shall be commissioners for the purpose of *ascertaining and deciding on the rights* of persons claiming the benefit of this act."

said commissioners, or a majority of them, shall have power to *decide, in a summary manner*, all matters respecting such claims, the attendance of witnesses, to administer oaths, and examine all such other testimony as may be adduced, and *to determine according to justice and equity.*"

When it shall appear to the said commissioners that the claimant is entitled to a tract of land by virtue of this act, they shall give a certificate stating the circumstances of the case, and that the claimant is *entitled to a patent* for such a tract of land, by virtue of this act." Commissioners are required to transmit a copy of their decisions in writing to the Secretary of the Treasury.

Supplemental to the preceding act, passed April 25, 1808, 4 L. U. S. 185.

That every person claiming lands within that part of the Michigan Territory to which the Indian title has been extinguished, by virtue of a grant made by the French Government prior to the treaty of Paris of February, 1763; or of any legal grant made by the British Government subsequent to the said treaty, and prior to the treaty of peace between the United States and Great Britain of the 3d September, 1793, or *in violation of the act to which this is a supplement*, shall be allowed, on the first day of January next, to deliver to the register of the land office at Detroit a notice, in writing, stating the nature and extent of the tract or tracts claimed; and if any person shall fail to deliver such notice in writing, together with a plat or plats of the tract or tracts claimed, all his right, so far as it may be derived from any grant, shall become void."

The powers of the commissioners are the same as in the preceding act. So much of the 2d section of the act of 1807 "as provides that no more than one tract shall be granted to any one person, shall be, and is hereby, repealed."

to enable the people of the Illinois Territory to form a constitutional State government," passed April 18, 1818. L. W. 22.

The territory lying north of Illinois and Indiana "hereby is attached and made a part of Michigan Territory," "subject, nevertheless, to be disposed of by Congress according to the right reserved in the preamble of the ordinance, and the inhabitants therein shall be entitled to the same privileges and immunities, and subject to the same rules and regulations, in all respects, with the other citizens of the Michigan Terri-

to revive the powers of the commissioners for ASCERTAINING and settling claims to land in the district of Detroit, and for SETTLING claims to lands at Green Bay and Prairie du Chien, in the Territory of Michigan." May 11, 1820. L. W. S.

revives "the powers of the commissioners for ascertaining and settling the rights of persons claiming lands in the district of Detroit, and for settling claims previously filed."

SEC. 2. "That the said commissioners shall be, and they are hereby, authorized to employ, with the approbation of the Secretary of the Treasury, a person capable of translating the French language, as an agent, for the purpose of ascertaining the *titles* and *claims* to land at the settlements of Green Bay and Prairie du Chien. It shall be the duty of the said agent to give public notice, at each of the said settlements, of the time and place therein at which he shall attend for the purpose of receiving notices and evidences of titles and claims to lands within the same. And every person *having the title or claim* to lands within the settlements aforesaid, shall *produce the evidence* of his title or claim to the said agent, who shall register the same in books to be kept for that purpose. And after the said agent shall have remained in the places aforesaid a time sufficient for the inhabitants to produce the evidence of their claims, he shall make his report thereon to the said commissioners, who shall have power to *examine and decide* on the claims so reported to them, *according to the laws for adjusting and settling the claims to land in the district of Detroit*, except that which relates to donations of vacant land adjacent to the land confirmed, shall be considered applicable to claims in the settlements aforesaid." "And the said commissioners shall transmit their report, and the transcript of their decisions, to the Secretary of the Treasury, on or before the 1st of October, 1821, to be laid before Congress, at their next session thereafter, in the same manner as was directed by law in respect to the claims to land in the district of Detroit."

"*An act to revive and continue in force certain acts for the adjusting of certain land claims in the Territory of Michigan,*" February 21, 1820.

SEC. 1 revives the powers of the commissioners and continues them until the 1st day of November, 1823, and the commissioners are "to forward their report as is required by the 2d section of the act of 1820, to the Secretary of the Treasury, to be by him laid before Congress at its next session."

SEC. 2 extends donations as far as Milk River point up the Detroit river.

SEC. 3. "That patents shall, and they are hereby directed to be issued, in the mode pointed out by law, in other cases, to persons whose claims to lands, town or village lots, have been regularly filed with the commissioners appointed by an act entitled "An act to revive the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to the land at Green Bay and Prairie du Chien, in the Territory of Michigan, passed on the 11th day of March, 1820, and whose claims are contained in the report transmitted to the Secretary of the Treasury, and which have been reported favorably on by the said commissioners; and such persons are hereby confirmed in their claims agreeably to any surveys heretofore made, or the lines and boundaries established by the claimants respectively: *Provided*, That such confirmations shall only amount to a relinquishment for ever, on the part of the United States, and that not more than 640 acres shall be confirmed by virtue of any one claim; nor shall more be confirmed, in any case, than the quantity claimed; nor shall any claim extend in width more than 40 arpens in depth more than 80, arpens; nor to land heretofore and now reserved by the United States for public uses."

SEC. 4. "That whenever it shall appear to the said commissioners that any claimant to land, or a town or village lot, at Green Bay or Prairie

cannot establish his, her, or their claims to the same, in consequence of her, or their removal therefrom by any officer of the United States it shall be the duty of the said commissioners to issue a certificate to person or persons, for any tract of land or village lot which may have been occupied by him, her, or them, after such removal, not exceeding quantity that originally claimed; on which certificates patents shall be as in other cases; which claims shall be in all other respects subject to the restrictions and provisions of the 3d section of this act."

5. "That every person, who, on the 1st day of July, 1812, was a settler in the town of Green Bay, Prairie du Chien, or within the county of Michilimackinac, and who, on the said day, occupied and cultivated, or occupied a tract of land which had previously been cultivated by said occupant, within either of said settlements, and who has continued to submit to the authority of the United States, or to the legal representatives of every person, shall be confirmed in the tract so occupied and cultivated; and the said commissioners, in adjudicating on claims to land embraced by this act, are authorized to take into their consideration the evidence and testimony collected and reported to them by the agent of the United States pursuant to the provisions of the act of the 11th May, 1820, as well as all other and further evidence and testimony as may or shall be exhibited before them by the claimants to support their claims. And the register of the land office at Detroit is authorized and required to receive and file all notices and claims to lands provided for by this act, and which shall be exhibited to him on or before the 1st day of October next: *Provided*, That no person shall be confirmed in a greater quantity than eighty arpens, nor shall any tract so confirmed exceed eighty arpens from front to rear; and it shall be the duty of the surveyor-general of the United States, under the direction of the Secretary of the Treasury, to cause the lands confirmed by this act to be surveyed at the expense of the claimants severally, plats of which shall be returned as in other cases, and patents therefor shall be granted to the several claimants in the manner prescribed in the said act."

Act to confirm certain claims to land in the Territory of Michigan,
April 17, 1828: (L. U. S.; *Laws of Michigan*, 44).

1. "That the claims purporting to be confirmed or recommended by the commissioners appointed to carry into effect the 'An act to revive,' &c., passed the 11th day of May, 1820, which are contained in volumes 2, 4, and 5, be, and the same are, confirmed."

2. "That the claims purporting to be confirmed or recommended by the commissioners appointed to carry into effect 'An act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan,' passed the 21st of February, 1823, which are contained in volumes 1, 3, 6, 8, and 9, of said reports, be, and the same are, confirmed."

3. "That the Secretary of the Treasury, under the direction of the President of the United States be, and he is hereby authorized and required, as may be, to adopt such measures as may be necessary to give full effect to the reports of the commissioners which are enumerated in the first and second sections of this act: *Provided*, That this act shall not be so construed as to prejudice the rights of third persons, or impose any obligation on the part of the United States to make payment or give other

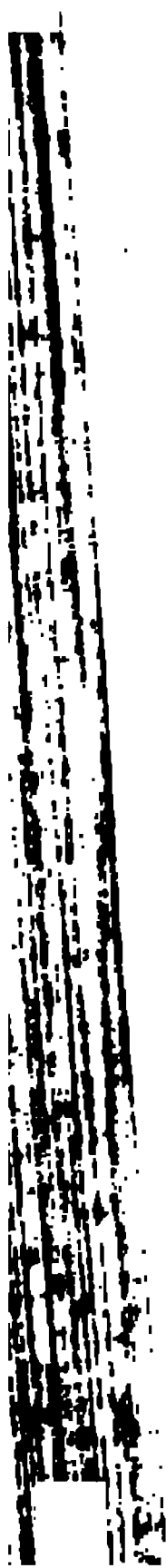
lands, to any claimant who may be deprived of his possessions by the operation of law; nor shall the confirmation made by this act be so construed as to extend further than a relinquishment, by the United States of all claims to and to said lands, nor to any lands occupied by the United States for military purposes."

Sec. 4. Duty of the register "to issue patent certificates in the form of patents in similar cases, to claimants whose claims are confirmed by this act; and which certificates, *if legally and properly obtained*, patents shall be issued by the commissioner of the General Land Office."

Extract from Albert Gallatin's "Introduction to the Land Laws of the United States," compiled in 1810.

"A considerable part of the country [of the United States] had been successively subject to several foreign powers; the territories of Michigan, Indiana, and Illinois, to France and England; the southern part of the Mississippi territory, first to France and then to Spain. A part of the titles claimed by the inhabitants and others, either *by right of occupancy* under the titles said to be derived from those several governments, or from the local authorities. Eight boards of commissioners were instituted by various acts of Congress, for the purpose of investigating those claims for each of the Territories of Michigan, Indiana, Illinois, and Louisiana for the Mississippi, and two for the Orleans Territory. The rules prescribed by law to the commissioners have varied according to the nature of the claims respectively coming before them. But the object appears to be to guard against unfounded or fraudulent claims, to confirm all claims derived from a legitimate authority, and even when the titles have not been completed, AND TO SECURE IN THEIR POSSESSIONS ALL ACTUAL SETTLERS WHO WERE FOUND ON THE LAND WHEN THE UNITED STATES TOOK ACTUAL POSSESSION OF THE COUNTRY WHERE THEY WERE SITUATED, though they had only a right of occupancy."

See also Land Laws 1817, title "Donations."





MEMORIAL

OF

NUMBER OF CITIZENS OF ILLINOIS,

PRAYING

land for the construction of a railroad from the Atlantic to the Mississippi river to the States through which said road may pass.

MAY 13, 1840.

Laid on the table, and ordered to be printed.

Senate and House of Representatives of the United States of America in Congress assembled :

Memorialists, citizens of the State of Illinois, feeling a deep interest in the completion of a railroad from the Atlantic to the Mississippi, respectfully submit to your honorable body a few of the prominent reasons which present themselves in favor of this great enterprise. A continuous line of railroads is in progress from Boston to Buffalo, the work of construction so far advanced as to ensure a speedy completion of the entire line between those points. A railroad is also advancing from New York to intersect the former near Albany. An extension of a road from Buffalo to the Mississippi river would be of great importance in a military point of view, as means of transporting troops, and in creating a unity of interests; thus binding the eastern and western States in as indissoluble bonds as the western and southern States are now bound by the Mississippi river.

The Baltimore and Ohio railroad would be continued to meet this extension in Ohio, and nearly all the important public works of Ohio, Indiana, and Illinois, would be intersected by it, and a large amount of work has been done in the State of Illinois upon this route.

Different public works intersected by it would prove valuable auxiliaries and add to its importance. But in affording a certain, cheap, and safe conveyance, at all times, between the maritime cities of the east and the great Mississippi of the west, at a point near the centre of many thousands of miles of steamboat navigation afforded by it and its tributaries, would give it its national character, and constitute its chief benefit.

The benefits that would arise to the citizens of our common country from its use as an avenue of trade and travel, in facilitating exchanges, cannot be numerically estimated; and its cost of construction is inconsiderable in comparison to the vast beneficial results produced.

Printers.

duced. The route that the road would pursue from Buffalo to the Mississippi, near the mouth of the Missouri river, is nearly a right line, peculiarly favorable, and well adapted to the location and construction of a railroad of great capacity.

The shore of Lake Erie, so far as the route would conform to it, is level and not broken, or indented by streams. Upon leaving the lake, level lands extend to the Mississippi, in the direction of the point alluded to, interrupted only by the Wabash river.

Your memorialists, therefore, respectfully ask Congress to make a suitable donation of land to the several States through which the road would pass, to aid them in constructing it; or to take such other action in reference to the subject, as the representatives of the people in their wisdom shall think proper, to promote an object of such vast national importance and so pregnant with the interests of millions of the citizens of the Union. And, as in duty, they will ever pray, &c.

N. M. McCURDY, and others

IN SENATE OF THE UNITED STATES.

MAY 13, 1840.

, and ordered to be printed, and that 20,000 additional copies be furnished for the use of the Senate.

Mr. NORVELL made the following

REPORT:

[To accompany bill S. No. 121.]

Committee on Public Lands, to whom was referred the bill to cede the lands to the States within whose limits they respectively lie, on certain conditions, report :

bill provides that the public lands lying within the States of Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Michigan, and Indiana, excepting sites for forts, navy and dock yards, arsenals, garrisons, and other public buildings, shall be ceded to the States within whose limits they respectively lie, after the 30th of June, 1842, on the following conditions :

That the States shall pass acts, to be irrevocable, pledging their faith to the United States one-half of the gross proceeds of the lands ceded before the 1st day of February, in each year.

That the minimum price per acre, now fixed by law, shall not be reduced, except according to the scale of reduction fixed in the bill.

That the land laws now in force, and as modified by this bill, shall remain unchanged, without the consent of Congress.

That the cession shall be in full of the five per cent. fund, or any part of it; and that the States shall be exclusively liable for cost of surveys, sales, extinction of Indian titles, and management generally.

That, on failure to comply with any of these conditions, the cession to the State so failing shall be abrogated; and all grants or titles on the part of the State, for land thereafter sold, to be null and void.

The bill also provides that the President of the United States, when duly notified of the passage of an act of any one of the States, in compliance with the above conditions, shall adopt such measures as he may deem advisable to close the land offices within the States, including the surveying department; and that the commissions of all officers continuing therewith shall expire on a day to be fixed by him, but not beyond six months from the time.

The bill moreover provides that, on such compliance and notification, the States shall be released from all compacts or ordinances that impose restrictions on her right to tax the lands thereafter sold; and that all maps, titles, surveys, books, documents, and papers, in the General Land Office, shall be subject to the order and disposition of the Executive of the State.

The bill so provides that the public lands in Tennessee, with the exceptions specified in the first section, shall be ceded to that State.

Such are the provisions of the bill, as it now stands. The amendments proposed by the committee will be noticed in the proper place.

A cursory examination of the above provisions will suffice to show that the proposed cession would be, in reality, but a sale of the public lands to the States in which they lie, subject to the conditions contained in the bill. The right to make such sale would seem unquestionable. The lands are held by Congress as common property, for the benefit of the whole Union, with express authority by the constitution to dispose of them, without making any distinction between sales to States and to individuals, or prescribing the terms on which they shall be sold. Regarding it, then, as a mere question of discretion, to whom and on what terms and conditions the lands should be sold, the committee propose to consider the measure simply in reference to its expediency; but it will be necessary, as a preliminary step to the discussion of its general merits, to ascertain what portion of the public domain would be subject to the operation of the bill, should it pass, and the true amount of its value.

It appears from a report of the Commissioner of the General Land Office, (see Doc. 46, 3d session 25th Congress,) that the whole quantity in acres of the public domain, on the 30th of September, 1838, to which the Indian title was not extinguished, amounted to seven hundred and sixty-six millions, in round numbers. There were, at the same time, as appears by the same report, in the States and Territories, three hundred and nineteen millions of acres, to which the Indian title was extinguished; making the whole public domain in the aggregate, at that time, to be one hundred and eighty-five millions of acres; from which about five millions of acres may be deducted for sales since made, leaving now about one hundred and eighty millions of acres. By table marked A, herewith annexed, it appears that on the 1st of January last there were in the States one hundred and fifty-four millions of acres, to which the Indian titles were extinguished; and nine millions five hundred thousand acres to which the Indian title was not extinguished: making, in the aggregate, one hundred and sixty-three millions five hundred thousand acres. From this deduct, for disputed grants, many of which are large, to which the right of the Government may not be established, three millions and a half of acres, which would leave one hundred and sixty millions subject to the operation of this bill; being less than one-sixth of the whole public domain.

Those who have not reflected on the subject are liable to form very erroneous estimates of the true value of the public lands. It is very natural to conclude that, as none are sold for less than one dollar and twenty-five cents per acre, the one hundred and sixty millions of acres unsold in the new States are worth two hundred millions of dollars; but such a conclusion would be utterly fallacious. If the whole could be sold at once, at that price, for cash in hand, or on perfectly safe security, with interest, and without expense, the conclusion would be correct; but such is far from being the case. They can only be sold at that price, through a long period of years, in small portions at a time, and at a heavy expense: all of which must be taken into the estimate to form a correct opinion of their real value, or, to express the idea differently, their actual present value.

In order to determine what that really is, it will be necessary to ascertain what would probably be the gross annual proceeds of the sales of the public lands embraced by the bill, on the supposition that the present price, &c.

em, as it now stands, will be continued. The committee are that the assumption must be, in a great measure, conjectural ; , and cannot be, from the nature of the subject, any certain ch to rest calculation. All that can be done is, to assume a sum liberal to guard against the possibility of an under-estimate ; and on that principle, after a full consideration of the whole ground, ee have come to the conclusion that it would be a liberal as- take the sum of two millions five hundred thousand dollars as e gross annual income, on the supposition of the continuance n till the whole shall be sold. The assumption supposes that of the lands embraced in the bill will be sold at one dollar and cents per acre, and that the average sales annually will yield two e hundred thousand dollars till the last acre is sold ; an assump- all, the least conversant with the subject, will readily allow to

then, that sum as the annual gross income, it is clear that the of the lands in question cannot exceed a sum which, at the legal six per cent., would give an annual income of two millions five ousand dollars ; or, to express it differently, cannot exceed the ue of a permanent annuity of that amount ; that is, a fraction one millions of dollars.

is clear ; and it is equally so that it must be less than that sum. n is obvious : To derive an income of two millions five hundred ollars from lands at one dollar and twenty-five cents per acre, t be annually sold two millions of acres, which would dispose, at of the whole one hundred and sixty millions of acres in eighty ollows, of course, that their true present value, instead of being ermanent annuity of two millions five hundred thousand dollars, worth one of that amount for eighty years only, which is little . thirty-four millions. That sum, then, it is manifest, would be esent value of all the unsold lands in the new States, on the data provided they could be sold without expense, trouble, or cost by nment ; but, as that cannot be, it becomes necessary to determine iction ought to be made on that account—to ascertain what, in ir real present value.

mining that, the committee have taken experience as their guide. e carefully ascertained, under the actual operation of the system sent time, what deductions ought to be made under all the various incident to the system, on the actual quantity of lands sold by the ent ; and have apportioned them rateably on the lands to be sold, pposition that what remains to be sold will be subject to as great n, in proportion, as that which has been ; in other words, that istration of the public lands hereafter, if the present system should ed as it stands, would be neither more nor less economical or han it has been. In making their estimate, they have included, ense, not only what is appropriately comprehended under it, but goes to diminish the net income from the lands—such as grants ions, other than the sixteenth section reserved for schools ; the hree per cent. fund reserved out of the sales for internal improve- e expenditures on internal improvement incident to the public it not charged to that fund ; and the increased expense of legisla-

tion, as will more fully appear by reference to table B, contains estimates, and hereto annexed.

The result is, that the expense of the management of the property embraced in the bill, on the supposition that the administration will be neither more nor less economical than the past, and that they will annually pay the sum supposed, and of course be sold in the period would amount to a fraction over forty-four millions of dollars, divided by eighty, the number of years required to dispose of the lands, will give five hundred and fifty thousand dollars as the average annual charge. This sum, regarded as an annuity for eighty years, and estimated at the present charge, would make a fraction less than seven millions and a half thousand dollars, which, deducted from the sum of thirty-four millions of dollars, the present value of the lands, without estimating expenses, will give for the actual present value of the lands the sum of twenty-four million four hundred thousand dollars.

But, as small as this sum may appear to many, the committee believe it is over, rather than under, the true estimate. It makes no allowance for defalcations and losses incident to the management of the fiscal system of the land system, and assumes that every acre will be sold at one hundred and twenty-five cents per acre, which no one can expect who will reflect that a large portion is sterile and worthless, consisting of pine barrens, unproductive prairies, and stony and mountainous tracts, which are at present unsaleable at any price, and will be so for a long time to come. To this may be added, that upwards of one-half has been in market for ten, fifteen, and twenty years, and upwards, (as will be seen in table annexed,) without being sold, and are the remnants left after the selections of all that were considered as valuable, even under the influence of speculation, stimulated to the greatest excess by a bloated market. Against this, it is admitted that there is a considerable quantity of land surveyed and brought into market, [see table A.] of which a portion is worth for more than one dollar and twenty-five cents per acre; but it shows that the quantity sold above that price is so small, that the general average price does not exceed two and four-fifths cents per acre, and is too inconsiderable to take into the estimate.

Taking, then, all circumstances into consideration, the committee are assured that the result to which they have been brought is rather than too low; but they do not deem it material whether it be truth, a few millions more or less. Their object is not perfect accuracy, but to give a correct general impression of the value of the land embraced in the bill, in order to correct the utterly fallacious conception which many of the well-informed entertain on the subject. So long as the value of the lands embraced in the bill is estimated at hundreds of millions of dollars, instead of the few millions which they are really worth, it will be impossible to obtain for the measure which it proposes the calm and deliberate consideration necessary to a correct decision; and the necessity of removing such erroneous impressions, preliminary to a discussion of the general merits of the bill, to which the committee now proceed.

One of the first and most obvious consequences which would follow the adoption of the measure, would be a great reduction of the patronage of the Government. There are spread over the new States fifty-nine offices; connected with which there are one hundred and eighty

receivers, eight surveyors general, with a host of deputies, clerks, lightmen, chain-carriers, and axemen, at an aggregate annual expense upwards of \$334,000, on an average of the last two years. But as considerable as are their number and expense, these give a very inadequate notion of the real extent of the patronage of the Government. Few are under it afford such ready and certain means of acquiring fortunes, of extending favors and accommodation to a large and influential portion of the community, as those attached to the land system. The thorough knowledge which those who hold them have of all that relates to the public land, makes their good-will of great importance to the numerous body of individuals annually emigrating to the west, or engaged in investing or dealing in the public lands. The extent of the influence which the Government might exercise, whenever it thinks proper, through so many of its agents, with such ample means of acting upon public opinion, can be more readily conceived than estimated; the whole of which, with at least half of the patronage dependent on the General Land Office at the seat of Government, would be cut off at a single blow, should the bill become a law. Should the question be put, whether such a result is desirable, let the associations daily heard against executive patronage furnish the answer. If that be not sufficient, let the all-absorbing character of the Presidential contest, over-riding and controlling all other questions, respond. If the grand agitating excitement consequent on the contest be not sufficient to convince all who reflect, that it is time to lop off every branch of patronage that can be spared, without impairing the proper efficiency of the Government, in order to preserve our present free system of electing the Chief Magistrate, the committee despair that any thing they could say would have that effect. It may, in truth, be laid down as a maxim in our Government, never to be departed from, and which cannot be disregarded with impunity, that there should be no more patronage than what is necessary to accomplish efficiently the objects for which it was created, and that all beyond ought to be lopped off. Unless this maxim be rigidly enforced, it may be regarded as certain that the patronage and influence of the Government, increasing with the growth, population, and wealth of the country, will become too great, in time, for its liberty. The committee cannot doubt that it may be safely applied, as proposed by the bill, to this great and influential branch of patronage, without in any degree weakening the Government, or making it less efficient, except by a trifling reduction of revenue, which will be greatly outweighed by other advantages, as will be made manifest in the sequel.

Among the more immediate of these, but not the most prominent, would be the shortening of the sessions of Congress; the beneficial effects of which, in reducing the expenses of the Government, have been already estimated. As considerable as that is, it would be the least of its advantages. The sessions of Congress are already so long, that it may be regarded as a great grievance. It deprives the country of the services of many who are best qualified to promote its prosperity, but who are either driven from public councils, or deterred from entering them, by the heavy pecuniary and the sacrifice of domestic happiness, incident to such long separations from their business and families. The evil is still on the increase, with a corresponding loss and sacrifice; and, if not corrected, will continue to increase with our population and wealth, until it terminates in perpetual sessions. This bill would do much to put a stop to the evil. It would not only diminish the business of Congress a third or a fourth, and shorten

the sessions in the same proportion ; and, if followed up by other measures originating in the same spirit, the evil may be kept within reasonable bounds, notwithstanding our great and rapid growth. It ought ever to be borne in mind that this growth, to which no limits can be assigned, once our glory and our danger ; while it increases our importance, it elevates our pride, it swells, at the same time, the patronage of the Government, and strengthens its central tendency, which, if not resisted, will lead to consolidation, by drawing the whole powers of the system to the center. Hence the importance of the principle of rigidly holding this Government to the few great objects for which it was created, and lopping off parts wherever it can be done safely. The less this Government interferes with local concerns, and with what can be properly done by the States, the more it will act in accordance with the true genius of our political system, and the more certainly accomplish the objects for which it was instituted.

But other consequences would follow, not less important ; one of the most prominent of which would be to place the new States on an equality with the old. According to the theory of our political system, the General Government is but the common agent of the States, created by their authority, for the regulation of their mutual interests, leaving all subjects of a peculiar and local character to be regulated by their separate local Governments. In the distribution of the land or territory, the land or territory fell to the State Governments, as far as the original States were concerned. But the fact is different as to the new States which have grown up on the public domain, and been admitted into the Union since the adoption of the constitution. In their case, the lands, and, to a certain extent, the sold, are not subject to the control or administration of the new States, but to the General Government—an anomaly certainly not in strict conformity with the true theory of our political system. It is, indeed, so little so, that many distinguished citizens of the new States have believed it to be inconsistent with the constitution, and maintained that the very fact of the admission of a State divested the General Government of its right to the unsold lands within its territorial limits, and transferred them to the State. In maintaining this position, they take for the ground, that the control of the domain of a State constitutes a part of its sovereignty ; an essential portion, of which it cannot be divested. That stipulations in the act of admission, in derogation of an essential part of the sovereignty, are null and void.

It is not the intention of the committee to enter into the discussion of this question at this time, or to undertake to support or refute the arguments which it is countenanced. It is sufficient to say, that those who take the opposite view believe that the position is erroneous, and that the cause of the anomaly consists in not making the proper distinction between what is called eminent domain and the rights of property in land, and in misconceiving the true relation, in our complex system, between the General Government and the States. But all must admit, whatever may be their opinion on these different views, not only the incongruity of the anomaly with the genius of our system, but its mischievous influence, and the expediency of removing it, as soon as it can be done on fair and equitable terms.

Among the mischievous effects of the anomaly to which the committee have referred, may be enumerated the state of dependence in which it places the new States, and their Representatives in Congress, in relation to the General Government, and its tendency, in consequence, to disturb its action, and turn it from the course best calculated to accomplish the objects for which it was created. That it, in fact, causes such dependence, no one can

with the proceedings of Congress will deny. The great and disproportionate number of petitions from the new States, seeking either justice or special favor from the Government; the large portion of the sessions spent on business in which they have a peculiar interest; the immense correspondence of their Representatives, growing out of their attention to the wants of their constituents, both in Congress and at the departments—all are the fact. How could it be otherwise, when one hundred and sixty millions of acres of land, lying in the territories of those States, are still held by the Government; when all claims growing out of the lands granted and sold are referred to it for decision; when scarcely a road, or canal, is constructed without passing through the public lands, and requiring the assent or aid of Congress; and when all the laws relating to the public lands, either to retain or modify the existing laws, or to enact new ones, depend on the same authority? It is not possible but that a dependence so general, co-operating with the extensive patronage of the Government, through its numerous officers, must be sensibly and perniciously felt, in its influence on the course of the Government. Those who are dependants naturally lean to the side of power; while power as naturally seeks their support, as the means of strengthening and supporting itself. Acting in accordance to this principle, it is not a matter of surprise that the new States, in their solicitude to carry favorite measures, or to obtain some special favor, should, temporarily at least, seek the aid of the dominant party of the day in the General Government; and, on the other side, that such party, in the view of strengthening itself, should favor the wishes of the States on local questions, with little regard to the general interest. It is thus, by reciprocal action and reaction resulting from this state of dependence, the movements of the General Government may be disturbed and turned from the objects for which it was instituted, to intermeddling and wasting its resources on objects with which it has no concern. That such has been the case, the history of our legislation but too often and too clearly attests. Against this, there is but one remedy; and that is, to place the new States, in reference to their domain, in the same independent condition with the old.

So long as the present state of dependence, so humiliating to the new States, and corrupting in its tendency to both old and new, continues, so long will its mischievous influence over the action of the Government be felt. The passage of this bill would apply an appropriate and effectual remedy, and the only one that can be devised.

There still remains another and strong objection against the continuance of the present system, and in favor of the proposed measure. It belongs to the nature of things that the old and new States should take different views, have different feelings, and favor a different course of policy, in reference to the lands within their limits. It is natural for the one to regard them chiefly as a source of revenue, and to estimate them according to the amount of the income annually derived from them; while the other as naturally regards them, almost exclusively, as a portion of their domain, and as the foundation of their population, wealth, power, and importance. They have emphatically the feelings of ownership, accompanied by the impression that they ought to have the principal control, and the greater share of the benefits derived from them. To their labor, enterprise, and exposure, they owe the magic effects which, in a few years, have changed a wilderness into well-cultivated regions, studded with beautiful towns, villages, and cities, penetrated by canals, and intersected by roads in all directions, giv-

ing value to the more inferior and inaccessible portions of the lands unsold and held by the Government. Seeing all this, and feeling intensely what their interests and wants demand, than can possibly be or felt by those who are remote and ignorant of the real condition of the land, it is not at all wonderful that such opposite and conflicting views should frequently be taken, by the new and old States, of the policy that should be pursued in reference to the public lands. These conflicting views will lead to conflicting measures, increasing in violence as the population and the political weight of the new and old States approach nearer to equality. Like all other conflicts of the kind, they will run into the Presidential election test, adding to its violence, and, through it, influencing and disturbing the general policy of the Government.

That there is, in fact, a growing tendency to conflict, and that it has increased with the growth of the new States, will not be denied by any conversant with the proceedings of Congress for the last ten or twelve years, and who have witnessed the increase, both in numbers and excitement of the questions growing out of the public lands. The cause in which it originates will continue to act with increased strength, just in proportion as the new States become more capable of asserting with effect their views of policy which ought to prevail in reference to the lands, till they shall have attained an ascendancy in the councils of the Union, when they will demand, as a right, much more than what they would now readily accept as a satisfactory adjustment. That period is not remote. Under the census of the present year, they will probably have two-fifths of the House of Representatives. In two or three years, three or four additional States will be admitted into the Union; which will give the new States twenty-six of the sixty members of the Senate; and they will then have about one-third of the electoral college. In ten years more, under the census of 1850, they will not improbably have an ascendancy in the Union. It is not difficult to foresee that, if nothing should be done, the whole of the intervening period would be one of agitation and conflict in reference to the public lands, rendered more violent by the mischievous and dangerous influence it would exercise over the Presidential question; and that the longer the adjustment of the subject is delayed, the more the passions will be excited and the more difficult it will be to reconcile opposing demands. Surely then, it is the part of wisdom and patriotism to adjust the question while it can be done quietly and easily, and on fair and equitable terms, to the mutual benefit of all, instead of leaving it open, at the hazard of losing the whole of the public lands, with all the mischievous and dangerous consequences that would flow from the struggle.

Having now presented the reasons for the passage of the bill, the committee will next proceed to consider the objections against it. At the head stands the objection that the cession would, in fact, prove to be but a surrender of the lands to the States. It assumes that the States would not comply with the conditions of the cession; that they would neglect or refuse to pay over to the Government its share of the purchase money; that there would be no way of enforcing payment; and that, in the end, the lands would be lost without compensation. It will not be denied that it is possible that such might prove to be the case; but, it may be asked, is there not also a possibility that the lands may be lost if nothing should be done? It is, at the worst, hazard against hazard; and the only question is, which is the greater? Whether it is more probable that the States would vio-

hated faith, solemnly given to an arrangement at once just and lib-
 erted by their votes, and in the observance of which they would
 rong interest ; or, that in the struggle resulting from conflicting
 policy in reference to the public lands, they would be lost in the
 of the conflict, if something be not done to prevent it ? It is, in
 question of probability between the deliberate violation of faith,
 want of a sense of justice on the part of the States, and that of
 stice into their own hands, under a feeling of resentment resulting
 impression of wrong, well or ill-founded. In weighing these
 ies, it may be asked, whether there is any just cause to distrust
 faith of the new States ? They have all pledged their faith to
 rnment, in reference to these lands, in assenting to the conditions
 admission into the Union ; pledged, among other things, not to tax
 five years after they are sold. Have they violated this, or any
 dge, in a single instance ? Has it not, on the contrary, been faith-
 served, under much pecuniary and fiscal embarrassment on the
 many of the States, when the exercise of the power of taxing
 ave afforded substantial relief ? Why, then, doubt their good faith
 nce to the proposed arrangement ? But a much deeper and more
 ensive question may be propounded. If the faith of the States is
 re trusted, what becomes of our system of government ? On what
 undation does it rest, but on their fidelity to their engagements ?
 our constitution, but a compact between the States resting on their
 l faith ? What is this Government, but the offspring of that pledge ?
 it becoming in us, who derive our existence from it, to estimate
 the faith of the States ?

he bill does not rely simply on their good faith for the observance
 conditions of the cession, sacred as it ought to be regarded. It pro-
 bat the violation of any of the conditions, and, among others, that
 ing over to the Government its share of the annual proceeds of
 es of the public lands, at the time fixed, shall work a forfeiture
 cession ; and that all grants from the State, for lands sold subse-
 o such violation, shall be null and void : thus placing the whole un-
 jurisdiction of the courts, and making it the interest of the State
 citizens to adhere to the conditions. A violation would have the
 if arresting the sales of the land within the State. No one would be
 to purchase under a doubtful title ; and it is not probable that a
 br the sake of the inconsiderable sum to be gained by retaining the
 ment share of the sales of the preceding year, would expose itself
 citizens to the embarrassment and loss which would result from the
 e of the sales. Add to these considerations the effect which the
 and generous policy proposed by the bill must have in binding the
 to the faithful observance of their engagements, and the committee
 nvinced that there is, to say the least, a reasonable assurance, such
 wise and prudent rely on in the business transactions of life, that the
 would faithfully abide by the conditions of the cession, should the
 ; and that there would be far less hazard of losing the lands, than
 the system as it now stands.

it may be asserted, that the relation of debtor and creditor between
 us and this Government is dangerous, and ought to be avoided.
 mmittee do not think that this bill establishes such relation ; but,
 ig the objection in its full force, may it not be asked, in turn, if the

present relation of landlord, which the Government bears to the States, is not one equally objectionable and dangerous, and more difficult to reconcile with the principles of our government? If the choice between them, the simple question would be, which is preferable—the new States should become debtors to the Government, so far as to be obligated to pay over to it annually, out of the unappropriated proceeds of the existing fund in hand, derived from the ceded lands themselves, the sum of one or two hundred thousand dollars each; or, that they should have two-thirds of their domain under its exclusive regulation and control, with all the dependence it creates, and all its humiliating and mischievous sequences? The committee would not consent to place the States in the views, in the relation of debtors to this Government, without good reasons; but they cannot doubt that, in this case, it is far better that the present relation should be superseded, even were that of debtor and creditor substituted, in the modified form proposed by this bill.

But it may be objected by some, that the lands would not be as properly and faithfully managed by the States, if placed under their administration as they now are. It is not to be disguised, that there would be great difficulty in the way of their management if the cession should be absolute, leaving the lands to be disposed of by the States, without limitation or restriction. It is easy to see that, in such case, there would spring up a competition between the States; each striving to turn the tide of immigration in its favor, by lowering the price of lands, or making the terms of sale more favorable, or granting them away on the simple condition of settlement. If one State should commence the policy, all would be compelled to follow, and the consequence would be, that the whole system would fall into confusion, to be followed by the loss of the lands, and opening a wide field for speculation and monopoly. But effectual guards are provided against this danger, by adopting the present system, in all its parts, as modified by this bill, with the provision that it shall not be altered but by the consent of Congress; thus giving the system equal uniformity with the present, and increased stability. With these guards, there can be no rational doubt of the perfect competency of the States to manage successfully the administration of the public lands. They are more familiar with the subject than Congress; would have more leisure to bestow on them; and be more liable to be influenced in their administration by other and distracting interests. It is a fact, which will not be contested, that Congress, taken as a body, is more deficient in knowledge in relation to the public lands, than on any other subject on which it is called to act; and this is not surprising when the voluminous legislation, and the vast and multifarious character of the subject, are taken into consideration. It is notorious, that, on subjects connected with the public lands, particularly that of claims, a portion of both Houses have to act more on faith in the few who are acquainted with the subject, than on their own knowledge. Far different would be the case with the Legislatures of the new States; each would be more familiar with the subject within the limits of the State; and as questions growing out of the lands would be the important and leading ones, the members desirous of reputation or influence would take care to become themselves thoroughly acquainted with them. To sum up the whole in a few words: Of all subjects of legislation, land is that which more especially requires a local superintendence and administration; and, therefore, it ought pre-eminently to belong, under our system, to State legislation.

in this bill proposes to subject it exclusively in the new States, as it has been in the old.

Another question, in this connexion, remains to be considered. To a judicious and faithful administration of the lands, the States must not only be competent, but also be attentive and vigilant in their administration; which presents the question, Is there any assurance that such would be the case? The answer to this question will depend chiefly on the interest they may have in their management; and that, again, on the share of the proceeds of the sales of the lands to be left with them, as a compensation for their expense, trouble, and responsibility; and that brings up the inquiry, What ought that compensation to be? It is easy to decide the question in the abstract, but not a little difficult to fix on the precise amount. There can be no doubt that it ought to be sufficiently large to identify completely the interest of the States and the Government. Such a compensation would unite their interest and the weight of their joint authority for a judicious and faithful administration, by which the revenue derived from the lands would be increased, to their mutual profit, and give energy and success to the measure.

Being, as a majority of the committee do, from the new States, they are restrained by a feeling of delicacy from offering an opinion as to the proper compensation that would be sufficient to secure these important advantages.

The bill, as introduced, provides for the payment of one half of the annual proceeds to the Government; leaving the other to the States, for their expense, trouble, and responsibility. Without undertaking the duty, whether it would or would not be a sufficient allowance, they propose to strike out that portion of the bill, so as to leave it in blank, to be filled up by the Senate, after full deliberation; and have, accordingly, reported an amendment to that effect.

In order to aid its deliberation in this particular, it may be proper to remark that the gross average amount of income from the lands embraced in the bill has been assumed to be two millions five hundred thousand dollars; the annual expense, taken in the broad sense already explained, has been estimated at five hundred and fifty thousand dollars; which would be about two per cent. on the gross income as assumed, and which, it is presumed, all will admit ought at least to be allowed. The only question remains, is, what additional sum ought to be allowed, in order to insure identity of interest which is indispensable to the proper working and complete success of the measure?

It may possibly throw some light on the subject, and facilitate the decision, to state, that the bill to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting certain portions to certain States, which was introduced in 1832, and passed, but was vetoed by the President, allowed, in addition to the five per cent. fund, one and a half per cent. of the proceeds of the sales to the States within which the lands were situated, over and above their equal distributive share with the other States, of the remaining portion of their proceeds. Should one per cent. be considered by the Senate as a sufficient additional compensation, it would raise the amount retained by the States out of the proceeds, for their compensation, to thirty-four and a half per cent. and, consequently, increase the amount proposed by the bill as it stands, to be paid by the States to the Government, from fifty to sixty-one and a half per cent. But, whether that ought to be allowed, or the

one proposed in the bill, or some other intermediate one, the committee not undertake to decide. Their object is simply to give results, in order to afford the Senate the means of judging. But they feel assured that the policy requires that the compensation should be liberal; and that, however liberal it may be, within the bounds of justice and reason, the Government will be much more than compensated for any supposed loss in its funds, by the many and great advantages which would follow, in other respects.

The committee have now, after a full and calm investigation, presented the opinion they have formed of the general merits of the bill; but, decisive as it is in its favor, compared with the existing system, they feel that they have not yet completed their task. In order to justify a recommendation of its adoption, they must go one step farther, and show that it is preferable to the only other measure which has been proposed on the subject: they refer to the scheme of distributing the proceeds of the sale of the public lands among the States. They do not intend to enter into an elaborate examination of the merits of that scheme; it would be superfluous after the full and able discussion of the subject on a recent occasion. Their object is simply to compare, briefly, the two measures, in reference to their more prominent features.

Of the two, then, the scheme of distribution is by far the most comprehensive and sweeping. It extends to the whole of the public domain, as well to that lying in the new States, as that in the territories and beyond, reaching to the Pacific ocean, containing, as has been stated, ten hundred and eighty-five millions of acres. It proposes, as the committee understand the scheme, apparently to transfer, for a limited time, but in fact for ever, the whole proceeds of this vast domain from the public treasury to the separate use of the States, without compensation. It would be, in fact, a gratuitous and unconditional cession of the whole public domain to the States in their separate capacity. The loss of revenue to the Government from that source would be total—not less than five or six millions annually, instead of a few hundred thousands only. After what has been stated, it need be said in reference to the bill, to show the difference, in these respects, between the two measures. It is sufficient to repeat, that the bill embraces less than one-sixth part of the public domain, and that, for the most part, mere remnants of an inferior quality; that the cession is, in fact, not a gratuitous one, but a conditional sale for an adequate compensation; and that its effect on the finances of the Government would be inconsiderable, even if fixed at what is proposed by the bill.

In a political point of view, the contrast is not less striking. The scheme of distribution, regarded in that aspect, would not be accompanied by a single compensation for the heavy loss to the public treasury. The business of Congress would not be in the least contracted, nor the session shortened, nor the patronage of the Government diminished, nor the independence of the new States reduced, nor the tendency to conflict between them and the old States arrested; and, so far from lessening the hazard of losing the public lands, it would be greatly increased, by bringing their interests into more direct and intense conflict.

Nor is the contrast, as to the objects of the two measures, less striking. That of distribution is to pervert a common fund, intended for the common benefit of the States, in their united federative character, to the separate benefit of the States in their individual character, as distinct communities; while, on the contrary, the object of this bill is to dispose of the common fund

at advantage, regarding the States in their united federal character, making no change, nor any reduction in the income from the lands, as a just regard to sound policy may demand.

A committee will conclude their report on this important measure by brief remarks on the only material amendment which they have proposed to the bill—that of adding a section authorizing the States, at their option, and within certain limits, to pass pre-emption acts. It provides the States may, at the several stages of graduation, as provided for in the bill, give a preference to actual settlers on the land at the time of graduation, and at the graduated price, if they should enter and pay for the land within three months. They have reported this amendment from a conviction that the principles both of graduation and pre-emption are necessary, under existing circumstances, to the successful operation of the system, and that, without them, this measure would be imperfect. The bill originates in the great extent of the public domain to which the Indian titles are extinguished, and which lies open and ready to be occupied by the first comer. By reference to table marked D, it will be seen that the whole quantity of lands to which the Indian titles have been extinguished, from the beginning of the Government to the 1st of January last, was 27,736,312 acres; of which there have been sold by the Government 1,191 acres, and granted to the States and individuals 12,690,334 acres; leaving yet unsold 225,962,787 acres.

In addition, it must be borne in mind that the unsold lands to which the Indian titles have been extinguished lie interspersed among the sold, and they are scattered over a vast region of about five hundred and forty-six thousand five hundred square miles—the extent of the new States and Territories; a surface equal to more than eight times that of Virginia. If to these facts we add the strong disposition that our people have to emigrate—particularly the poorer and more enterprising classes, with the view of obtaining an independent home, and bettering their condition, and how many without the present means of purchasing, as well as how much of the public land is worth less than the minimum price, some conception may be formed of the great numbers who must in time settle on the public lands without purchasing, or possessing a legal title. It requires but little reflection to see that occupation and improvement will, in a short time, attach the value of property to their possessions. They, in fact, constitute the primary right to lands—a right preceding all paper grants or titles, and derived directly from the Author of our being. With the growth of that feeling, the right of each occupant would be regarded by all others as sacred, and not to be disturbed. It would become so strong with time, and with the growing numbers and strength of the settlers, that no one would dare enter or purchase the land occupied. It would outrage the sense of justice of the whole body of occupants, who would make common cause, so to endanger the safety of the bold intruder. As soon as that point is reached, no other title to the public lands would be sought or desired, but for cultivation and improvement; when all sales would cease, and when the title of the Government to the lands would be disregarded, and virtually abandoned. The evil would be beyond the civil power; and the nature of the Government and a feeling of sympathy would forbid expulsion by military force. It will be readily perceived that this process would be accelerated and strengthened by the fact that the occupants would, under the constitutions of the States, be citizens entitled to vote for the members

of their Legislatures and of the popular branch of Congress, and would constitute a great and powerful portion of their constituents, united in a compact body, and having one absorbing interest, directed exclusively to securing their right to the lands occupied, to the great disturbance of the regular course of legislation, both of Congress and of the State Legislatures.

That such would be the result, unless something should be done to prevent it, cannot be doubted ; and the only question is, what can be done.

The first and most natural impression is, to prevent the occupation of the unsold lands. It seems contrary, at first glance, to the feeling of justice, that individuals should be permitted to occupy and use, as their own, what belongs to the whole community ; and still more so, that those who are intruders and trespassers should profit by their intrusions and trespasses ; and it is natural to conclude, that intruders ought to be kept out or expelled if they take possession. But a little reflection will be sufficient to show the impracticability of this course. The vast amount of the unsold lands, extending over limits sufficient for an empire, places them beyond the civil power of the Government, or any other which would be ought to be put into its possession. It would take a whole army of marshals and deputies to be constantly employed. To think of the military power, would be out of the question. To effect it by the army, the present establishment would have to be more than doubled, at an expense greatly exceeding the worth of the lands, to say nothing of the objection to the use of such force against a portion of our own fellow-citizens, on other points of view.

As it is, then, impracticable to prevent the occupation of the unsold lands of the Government by settlers, it only remains to mitigate as much as if such it may be, that cannot be prevented. The committee can perceive no other means of doing it, than by a judicious system of pre-emption, and reduction of price, combined ; the effect of which would be, from time to time, to induce the settlers to purchase, both by bringing the price within their means, and exciting them, from the fear of losing their settlements, to raise the purchase money by industry and economy. Hence the policy of limiting, as is provided in the amendment, the right of pre-emption, not only to lands subject to graduation, but to the respective periods of graduating. It is thus, if any way, that the number of occupants without legal titles may be reduced, and the inducements to form a combined body to maintain their possessions weakened ; the evil thereby be brought within moderate limits, and the loss of the lands prevented.

The committee are of the opinion that no measure can be devised so well calculated to effect these important objects as that embraced by the bill, with the proposed amendment. It would unite the joint interest and authority of the Government and the States to maintain the system as modified by the bill ; while the right secured to the States to reduce prices and grant pre-emptions, at their discretion, would place the exercise of the power in the hands of those most competent, from their knowledge of the subject, to exercise it with skill and fidelity. Each State would judge and act for itself within the prescribed limits, without having any motive to accelerate or retard the progress of graduating, or to extend pre-emptions beyond what interest would demand. The great advantage of this local discretion of action will be readily understood by adverting to the great difference in the character and quality of the lands in the west and southwest, compared with the northwest, and how differently the power should be applied in the two

The former are covered with large and unproductive tracts of pine and swamps, with a very small portion of good lands interspersed; the great body of the other is fertile, and that which is not is, for the most part, adjacent to that which is, and has, in consequence, a value imparted to it for residence, timber, or other materials. In the one case, redemption and pre-emption may be necessary to the full extent provided for in the bill as amended; while, in the other, they may either not be applied at all, or much more sparingly. This flexibility in the application of the bill, adjusting itself to the local and peculiar condition of each State, is a great and decided advantage, in this respect, to the arrangement made in the bill, over the inflexible and uniform application of the same provisions of redemption and pre-emption to States so differently situated, and having different interests, as would be the case under the existing land

committee, having presented the result of their deliberations on the merits of the measure proposed, have, in conclusion, to state that the report has been drawn up on the supposition that expenditures in the States, by this Government, for internal improvements, would cease if the bill pass; and have, accordingly, included them, in the estimates of expenditures, as constituting a corresponding saving to the General Government.

Statement of the public lands, exclusive of those situated in the Territories, made up to January 1, 1840.

STATES.	Sold.	Granted for various purposes.	Unsold, including lands unsurveyed.	Purchase money received for lands sold.	Surveyed.	Unsurveyed.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Ohio	12,936,830.31	1,842,911.72	1,776,210.69	22,467,036.81	16,555,952.17	
Indiana	15,158,702.91	1,074,163.65	4,396,494.09	19,326,301.22	20,227,108.59	407,164.41
Illinois	11,336,621.45	1,537,317.68	19,059,797.55	14,207,046.39	27,611,564.46	4,322,171.54
Missouri	7,217,167.62	1,212,426.00	31,811,840.38	9,553,588.91	27,861,982.00	12,419,454.00
Alabama	10,425,489.95	1,363,832.00	19,910,148.05	16,893,459.88	29,889,810.19	1,809,659.81
Mississippi	9,543,409.67	833,550.00	11,543,826.13	12,923,154.81	20,791,826.32	1,128,953.68
Louisiana	2,840,361.76	613,789.00	16,983,408.64	3,816,963.87	14,067,101.18	6,370,557.82
Michigan	9,159,898.48	969,759.00	20,988,734.52	11,524,947.44	19,665,957.39	11,452,434.60
Arkansas	2,464,710.02	976,896.00	28,027,304.98	3,110,897.87	16,172,188.62	15,296,722.38
Total	81,083,191.97	10,424,645.05	154,497,765.03	113,823,397.20	192,802,490.92	53,207,124.24
Granted for military bounties	-	5,831,095.00				
Special grants	-	258,301.00				
Total grants	-	16,514,041.05				

* This is exclusive of 8,932,440 acres, not yet ceded to the United States, in Michigan, and about five or six hundred thousand in Ohio and Indiana; making, in all, about nine millions and a half.

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B.

of the probable expense incident to the management of the public lands embraced in the bill, if the present system should continue, data derived from its past operations.

ing and selling, (see annexed estimate, No. 1)	-	\$8,112,251
quishing Indian titles, (see annexed statement,	-	2,841,236
and donations, except every 16th section for	-	
nds, based on the actual quantity heretofore grant-	-	
ated at \$1 25 per acre, and on the supposition	-	
grants and donations will be as great hereafter, in	-	
on to the quantity to be sold, as they have been for	-	7,017,540
al improvements, excluding expenditures on the	-	
ppi and Ohio, and including the Cumberland road,	-	
ig the two per cent. fund applicable to that road	-	6,939,274
onal expense of Congress in legislating for the new	-	
ased on the average expense of the last ten years,	-	
ing to a fraction over 770,000 dollars annually ;	-	
nexed statement, No. 3,) and on the supposition	-	
e-seventh of the expense was chargeable to that	-	
of legislation, which would make annually 110,000	-	
and, multiplied by 80, the number of years re-	-	
o dispose of the lands embraced in the bill, would	-	8,800,000
to	-	
per cent. fund, proposed by the bill to be surren-	-	
y the States, on the sum of \$204,285,256, the esti-	-	
mount of unsold lands in the new States, at \$1 25	-	
, (see annexed statement by the Commissioner)	-	10,214,262
		<hr/>
total expenditure, including the 5 per cent. fund,		
80 years required for selling the public lands in the		
ates, of	-	\$44,094,563
		<hr/>

divided by 80, the length of time supposed to be necessary to dis-
 e whole lands embraced in the bill, would give for the average
 in a fraction above 550,000 dollars.

No. 1.

Estimate of the expenses for surveying and selling the lands getting in the States, made by the Commissioner of the General Land Office.

Cost of surveying and platting *62,139,564 acres, at \$1 96,	\$1,216,932
Compensation of the registers and receivers on 163,430,205 acres, at \$1 25—*214,285,256 acres, at \$3 05	6,350,000
Expenditures of the General Land Office on *163,430,205 acres, at 4 $\frac{1}{2}$ mills	645,460
Total	8,112,392

To which should be added the probable cost of purchasing the lands to 6,982,440 acres in Michigan.

No. 2.

WAR DEPARTMENT,
Office Indian Affairs, April 18, 1864

SIR: In reply to your note of this date, I have the honor to state, "the probable expense of extinguishing the" titles of the Wyandots lands now occupied by them in Ohio is estimated at \$134,770; the Miamies, to their lands in Indiana, \$1,009,600; and of the Chippewas their lands in Michigan, \$1,339,866. In making these estimates, I have been guided by the amounts lately paid to the several tribes for similar lands.

The cost of emigrating the Wyandots, who number about 800, is estimated at \$33,000, or \$55 per head; and of subsisting them for one year their new country west, \$20,000: for the emigration of the Miamies, 1,100 in number, at \$50 per head, \$55,000; and subsistence, \$35,000; the emigration of the Chippewas, who are supposed to number about 1,200, at \$60 per head, \$72,000; and subsistence, \$40,000. I have omitted the cost of subsistence in this statement, as this expense, of late years, has considerably attended the removal of Indian tribes. No computation has been made of the value of lands, which must necessarily be assigned to the west.

Very respectfully, your most obedient servant,

T. HARTLEY CRAWFORD

No. 3.

TREASURY DEPARTMENT,
Register's Office, April 18, 1864

SIR: The amount drawn from the Treasury, during the last ten years on account of the compensation and mileage of the members of the

* These amounts include the 8,932,440 acres not yet ceded in Michigan.

Congress, the salaries of their officers, for their contingent and all
 nes, including the library, was as follows, viz :

-	-	-	-	-	-	-	\$692,754	16
-	-	-	-	-	-	-	394,282	42
-	-	-	-	-	-	-	871,813	68
-	-	-	-	-	-	-	469,073	83
-	-	-	-	-	-	-	943,151	13
-	-	-	-	-	-	-	729,317	28
-	-	-	-	-	-	-	916,819	86
-	-	-	-	-	-	-	903,754	58
-	-	-	-	-	-	-	1,289,286	50
-	-	-	-	-	-	-	502,543	14
							<hr/>	
							\$7,712,796	
							<hr/>	
							58	

e honor to be, sir, your obedient servant,

T. L. SMITH.

C.

Statement showing the aggregate quantity of public lands of the United States which had been sold on the 30th of September, 1837; also the quantity which remained unsold on the same day; all of which were at various times offered at public sale, from the earliest period of the sales to the 1st of January, 1833, exclusive of the Territories.

	Twenty years and over.		From 15 to 20 years.		From 10 to 15 years.		From 5 to 10 years.	
	Public lands offered for sale prior to, and in the year 1817.		Public lands offered for sale in 1818 to 1822, inclusive.		Public lands offered for sale in 1823 to 1827, inclusive.		Public lands offered for sale in 1828 to 1832, inclusive.	
	Sold.	Unsold.	Sold.	Unsold.	Sold.	Unsold.	Sold.	Unsold.
Aggregate, exclusive of Territories -	Acres. 17,982,907.46	Acres. 14,276,156.15	Acres. 20,103,504.76	Acres. 21,929,436.88	Acres. 9,820,057.80	Acres. 15,085,052.11	Acres. 10,862,381.32	Acres. 15,714,902.32

assumption that may be adopted.

State or Territory.	Estimated quantity in each State and Territory to which the Indian title has been extinguished.	Total grants for schools, canals, and other objects.	Quantity sold on the 30th of September, 1838.	Balance remaining, after deducting lands granted and sold.*
Ohio	Acres. 16,555,952	Acres. 1,842,911	Acres. 12,602,636	Acres. 2,110,405
Indiana	20,457,393	1,074,163	14,262,957	5,120,273
Illinois	31,933,736	1,537,317	9,786,594	20,609,825
Missouri	40,241,436	1,212,426	5,870,023	33,158,987
Alabama	31,699,470	1,363,832	10,212,233	20,123,405
Mississippi	21,920,786	833,550	9,291,795	11,795,441
Louisiana	20,437,559	613,789	2,056,890	17,766,880
Michigan	31,118,392	969,757	8,986,450	21,162,183
Wisconsin	29,863,925	1,000,753	1,085,228	34,664,031
Iowa	7,082,832	196,745	2,231,272	28,260,743
Arkansas	31,468,911	976,896	748,743	34,938,902
Florida	36,755,840	1,068,195		
Total	319,536,232 200,080†	12,690,334	77,134,821 3,948,370†	229,711,075
	319,736,312		81,083,191	

* These quantities include private claims in the unsurveyed portion, which could not be estimated for want of the proper data.

† Add for Indian titles, since extinguished, 200,080 acres. See letter annexed. ‡ Since sold, to January 1, 1840.

WAR DEPARTMENT,
Office of Indian Affairs, April 27, 1840.

DEAR SIR: In reply to your note of this date, I have the honor to inform you that, since September, 1838, and prior to January 1, 1840, the Indian title to 200,080 acres of land was extinguished, viz: 177,000 acres in Indiana by the treaty of November, 1838, with the Miamies; 40 acres in Michigan by the treaty of February, 1839, with the Saganaw tribe of Chippewas; and 23,040 acres in Wisconsin: to which a fee-simple title was given to the Brothertown Indians by the act of the 3d of March, 1839.

Respectfully and truly yours,

T. HARTLEY CRAWFORD.

Hon. JOHN NORVELL,
Senate of the United States.

A BILL to cede the public lands within the limits of the new States, on certain conditions therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the public lands within the States of Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, and Michigan, with the exceptions of the sites of fortifications, navy and dock yards, arsenals, magazines, and all other public buildings, shall, after the thirtieth day of June, eighteen hundred and forty-two, be ceded to the States within the limits of which they are respectively situated, they having previously complied with the following conditions:

First. That the said States shall severally pass acts, to be irrevocable, that they will annually pay to the United States [fifty] per cent. on the gross amount of the sales of such lands, including under sales, grants, and donations by the States, estimating the lands at the selling price at the time of the grant or donation, on or before the first day of February of each succeeding year.

Secondly. That the minimum price, as now fixed by law, shall remain unchanged until the thirtieth day of June, aforesaid; but after that period the price may be reduced by the States respectively, according to the following scale: all lands theretofore offered at public sale, and then remaining unsold ten years or upward, preceding the thirtieth day of June, aforesaid, may be reduced by said States to a price not less than one dollar per acre; and all lands that may have been offered at public sale, and remaining unsold fifteen years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than seventy-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may then be reduced by said States to a price not less than fifty cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty-five years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than twenty-five cents per acre.

lands that may have been offered at public sale, and remaining unsold for ten, twenty, twenty-five, or thirty years or upward, preceding the said thirtieth day of June, one hundred and forty-two, shall be ceded immediately to the States in which said lands are situate: *Provided*, That all lands which shall remain unsold after having been offered at public sale for ten years, and which do not come under the above provisions, shall be subject to the process of graduation and cession aforesaid, at the respective periods of ten, twenty, twenty-five, and thirty years, after said sale, commencing from the expiration of ten years after the same had been offered at public

sale. That the lands shall be subject to the same legal subdivisions and survey as is now provided by law, reserving for each township a sixteenth section, or the substitute, as heretofore provided by law; and any land not yet offered for sale, shall be first offered by the State at public auction, and be sold for cash only, in the manner now provided by law. And any land now or hereafter remaining unsold after the same shall have been offered for sale at public auction, shall be subject to entry for sale, according to the graduation which may be fixed by the States respectively, under the provisions of this act; and that the acts of Congress now in force at the time of assenting to this act shall remain unaltered, except as modified by this act, unless with the assent of Congress. Art. 1. This cession, together with the portion of the sales to be retained by the States respectively, under the provisions of this act, shall be in full payment of five per cent. fund, or any part thereof, not already accrued to any State, and the said States shall be exclusively liable for all charges that hereafter arise from the surveys, sales, and management of the public lands, and extinguishment of Indian title, within the limits of said States respectively.

Art. 2. That, on a failure to comply with any of the above conditions, or violation of the same, on the part of any of the said States, the cession made to the State failing to comply with or violating said conditions, shall be thereby rendered null and void; and all grants or titles thereafter made by said State, for any portion of the public lands within the limits of the same, ceded by this act, shall be, and are hereby declared to be, null and void, and of no effect whatever.

Art. 3. *And be it further enacted*, That upon every reduction in the price of said lands, which shall take place by the graduating process of the act, the Legislatures of the several States in which the lands are situated, shall, at their discretion, have power to grant to the respective occupants or settlers upon any of said lands rights of pre-emption at such graduated or reduced prices; which rights shall extend to a period of ninety days after the dates at which the respective graduations shall take place; and any lands not taken up by the respective occupants or settlers within that time, shall be liable to be entered or purchased by any other person until the next graduation or reduction in price shall take place, when it shall, if previously purchased, be again subject to the right of pre-emption for the same period of days as before, and so on from time to time as said reductions shall take place.

Art. 4. *And be it further enacted*, That whenever the President of the United States shall be officially notified that any of the States aforesaid has failed to perform an act in compliance with the above conditions, it shall be his duty, on or before the thirtieth day of June aforesaid, or forthwith after the passage of

said act, if passed subsequent to that period, to adopt such measures shall think proper to close the land offices, including the surveying, within the limits of said State; and that the commissions of officers connected therewith shall expire on a day to be fixed by which day shall not be beyond six months after the thirtieth day aforesaid, or, if subsequent thereto, from the day he received the notification of the passage of said act.

SEC. 4. *And be it further enacted,* That on such notification made, the said State shall be relieved from all compacts, acts, or imposing restrictions on the right of said State to tax any lands or authority subsequent to the sale thereof, ceded by this act; and all titles, records, books, documents, and papers, in the General Land Office at Washington, relative to said lands, shall be subject to the order and disposition of the Executive of said State.

SEC. 5. *And be it further enacted,* That all lands of the United States within the limits of the State of Tennessee, with the exceptions excepted in the first section of this act, shall be, and the same are hereby ceded to said State.

MEMORIAL

OF

OF MERCHANTS OF THE CITY OF NEW YORK,

REMONSTRATING

*passage of the bill (H R. 100) "to insure the more faithful
of the laws relating to the collection of duties on imports."*

MAY 14, 1840.

ferred to the Committee on Finance, and ordered to be printed.

*able Senate and House of Representatives in Congress
assembled :*

trance of the undersigned, merchants of the city of New York,

LY SHOWETH:

all recently reported from the Committee on Manufactures, en-
t to insure the more faithful execution of the laws relating to
of duties on imports," contains, in the opinion of the under-
sions cruelly unjust and oppressive in their character, and in-
th the true spirit of the constitution of the country, inasmuch
e burdens upon a class of men to which no others are subject,
hem of the benefit of rules of evidence which should be com-

ie opinion of the undersigned, both the character and property
er, by the provisions of said bill, will be thrown entirely into
an individual, who will have a personal interest to destroy the
ive them of the other.

memorialists fully believe that the present revenue laws, if
efficiently administered, are abundantly sufficient to protect,
overnment, as the merchant and the manufacturer.

d, Teterel & Blain,
enny,
trie & Co.,
an & Co.,
z Hyde,
irgh, Warren & Co.,
Bassett & Aborn,
Draper,
ead,
Carrington & Co.,
elwright,

Sands, Turner & Co.,
Alley, Stanton & Co.,
Belknap & Pierce,
D. L. Snyder,
Bankard & Hutton,
Abr. Caselli,
J. A. Voisin & Co.,
Malehieux, Gourd & Co.,
H. W. & P. H. Mali,
Malmazet & Smith,
E. Glenard & Laraque,

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 Robert J. Jaffray & Co.,
 Arnold, Lathrop & Co.,
 Chevulort, jr. & Co.,
 Moran & Boling,
 Alex. T. Stewart & Co.,
 Bird, Gillilan & Co.,
 Philip & Eytinge,
 Wm. H. Townsend,
 J. L. Phipps & Co.,
 John Stewart, jr. & Co.,
 F. Colliard & Co.,
 Aaron & Wakeman,
 Fred. W. Steinbrenner,
 Meyer, Hupeden & Co.,
 Ferguson, Collins & Co.

MEMORIAL

OF

NATHAN RANNEY,

for the port of St. Louis, Mo., praying increase of compensation.

[To accompany S. bill No. 343.]

DECEMBER 31, 1839.

Referred to the Committee on Commerce.

MAY 14, 1840.

Ordered to be printed.

Senate and House of Representatives in Congress assembled:

The memorial of the undersigned

PECTFULLY SHOWETH:

for the last three years, while in the discharge of the duties of surveyor, and collector of the United States revenue, and agent for hospital, at the port of St. Louis, Missouri, the expenses of his office amounted to eleven hundred dollars; and, after deducting the yearly of office from his salary and fees, there remains for his whole service \$267; and the whole of his time is required in the discharge of his duties. He has collected and paid into the United States Treasury, in the said three years, \$23,000, on which he has not been allowed by the Government any per centage or commission whatever. Your memorialist, therefore, asks that he may be allowed a fair and reasonable per centage on the amount of public money collected during the said three years, and also a reasonable per centage on the amount he shall hereafter collect; the same to be paid out of the accruing revenue at the port of St. Louis. Your memorialist believes that it is only necessary to make known the facts in the above to your honorable body, in order to obtain a fair compensation for his services. And, on behalf of so just a claim, he will ever pray.

NATHAN RANNEY,

U. S. Surveyor, &c., Port of St. Louis, Mo.

WITNESSED AT ST. LOUIS, December, 1839.

Witnesses,
es, printers.

Salary of the surveyor, &c., port of St. Louis, for 1839	-	-	\$4
Fees for same period	-	-	2
			<u>6</u>

Contra.

Expenses of office :			
Clerk-hire	-	-	\$75 00
Stationery <i>purchased</i>	-	-	15 00
Office-rent and fuel	-	-	225 00
Printing	-	-	20 00
			<u>335 00</u>
Balance for services, &c.	-	-	<u>\$4</u>

The above is a true statement of my receipts and expenditures in the United States, during the present year, except some incidental expenses which no account was kept.

N. RANNEY,
Surveyor,

DOCUMENT

ing to the bill (S. 342) "making an appropriation for continuing operation of deepening the channel at the mouth of the Mississippi."

MAY, 1840.

and by Mr. MORTON, and ordered to be printed, and that 500 additional copies be furnished for the use of the Senate.

WASHINGTON, *February* 13, 1839.

The special board, appointed on the subject of the improvement of navigation of the mouths of the Mississippi river have received the report of Captain Andrew Talcott, who, under instructions from the board, has been occupied for some months in making a survey of that portion of the river which comprises all the projected improvements. This report, together with the accompanying reports of his assistants, and the maps of the surveys, presents a very great amount of most valuable information; and

every reason to believe that the vast labor, as well as the minute attention, which are so obvious on the face of this work, are not more characteristic of it than fidelity and precision. Whatever may be the nature of the works of improvement, adopted now, or at any future day, it will be the information afforded by this survey that they will be founded on, or which they will be referred to; and, valuable and indispensable as it is to the present purpose, the value will be still greater for future comparisons; and, as the increasing from year to year, as the retrospect becomes more and more distant. The interests connected with this survey are not merely local (as they are) of the regions tributary to the Mississippi, nor of the whole nation, but those of the world at large. This survey, perhaps than any ever made, will contribute to illustrate the theory of the march of deltas—a subject touching some obscure points in historical geography, and relating to much that is important in geology. It is hoped, therefore, that the utmost pains will be bestowed on the publication of this information, long after the present occasion for its use have passed away.

It must be stated here, that, as the board do not concur in opinion as to the results to be expected from the operations on the bars, of dredging-machines, it becomes necessary to present separate reports. This report, therefore, is to be understood as conveying the opinions of that member only whose signature it bears.

Coming now to the various projects offered for the improvement of the navigation of the mouths of this river, we find them to be—

A ship canal, running in an easterly direction from a point a little above Fort Jackson, to the shore of the gulf, a distance of about seven miles; and, at a further distance, between jetties, of one mile out, to 30 feet water.

Lives, printers.

Although far from asserting that this project is impracticable, the board cannot, nevertheless, recommend it for present adoption. Its very cost; the numerous difficulties that are certain to attend its execution; the many unforeseen ones that may reasonably be anticipated; the delay that will hang over the ultimate success, even till considerable progress has been made, if not till its completion; the peril to which it is thought it will be exposed, under circumstances, rare, perhaps, but possible, even after it shall have been finished; the probability that, if made to supply fully the wants of the immense commerce of the river, it would, itself, need extensive, unceasing, and inconvenient cleansing operations, to preserve its navigable condition; the circumstance that this is a scheme that is not till completed, that cannot be approached experimentally, cannot be tried in parts, cannot be availed of progressively—these, with other reasons of a like nature, and especially this, that such a project will not be undertaken any the less practicable by the execution of any other project, and cannot be taken up at any future time, should other less expensive devices meet with success, induce the board to withhold their recommendation of every project of this nature.

2d. *Closing some of the lateral issues; thereby confining a greater quantity of water in the selected channel than now passes through it, and thus to cause a wearing away of the bar.*—This project the board believe will lead to any permanently beneficial changes. The bar as it exists would be changed, no doubt, because the law under which the materials composing it arranged themselves will have been disturbed; this law of equilibrium would soon be readjusted, and the new bar would be found to afford a depth of water not materially, if at all, different from the original depth; this change being wrought by a movement similar to the bar, and, at the same time, a lateral enlargement of the mouth.

3d. *Restricting the width of the outlet at the bar, by dikes running ward from either shore, relying on the increased velocity of the current at the bar to scoop a channel through it.*—There is no doubt the actual bar would be removed the moment such restrictions were accomplished. The forces thus restricted would resume their natural tendency the moment they were free; and, having passed these artificial limits, the same waters would soon recreate the same condition of things that had, at cost, been disturbed.

4th. *A combination of the 2d and 3d projects.*—This will differ from the 3d only in being more difficult and costly. The same consequence is inevitable. And the bar might advance, without material change, into the gulf, as fast as means (unless of extraordinary magnitude) could be applied to the process of damming and diking; so that hardly a momentary advantage even would be realized.

There remains only—

5th. *Increasing the depth of water over the bar, by digging a channel with dredging-machines.*—And to this we turn, not as to one deserving implicit confidence, but as to the only one remaining; and it is thought worthy an experiment.

Supposing a channel of some few feet in depth to be cut out of the bar, there would be a tendency, at times, in a portion of the matter exposed in the water to drop therein; because, at times, the velocity along the bottom will have been lessened by the deepening. But it must be remembered that, in the most unfavorable supposition, as this enlargement of the

ver must be a very trifle compared with the whole section, the be reduced but a small quantity, at any rate ; and such a reduction only the coarser particles, the finer being still borne along ; Effect, moreover, the coarser particles of that portion only of the passes along the excavated channel, no other portion of the ibuting thereto. But it is not certain that any sensible reduction of bottom velocity will, for considerable periods, attend the excavation of : for it appears that, notwithstanding the great amount of just at all times be pouring into the gulf, this discharge is considerable periods, confined to the upper portions of water, the ns being salt water not in motion, or salt waters flowing into Hence, the present condition of the bar is not the result of the a between the bottom and surface velocity that is found to exist in waters in canals and rivers under ordinary circumstances, a much more complex action ; and there is, perhaps, reason at some of the peculiarities of that action may favor the mode ment now under consideration. That the action here is different from ordinary action of currents in rivers, is clear, from this fact, that if the velocity of the bottom were as great as would be ordinary circumstances, by the surface velocity, the bars would be swept away thereby, the velocity being too great for sand to

g the case, it is thought that the keeping open a channel by dredges might possibly be accomplished, at an annual expenditure applied to secure so great a good.

approximate calculation, it appears that to excavate a 16 feet 00 feet in width, through the northeast pass, would require the 154,000 cubic yards ; and allowing a dredging-machine to excavate 500 cubic yards a day (which is a reasonable allowance) this would require 310 days. Supposing, now, the boat to work 180 days, at the same rate of 500 cubic yards a day, she would excavate 90,000 cubic yards ; which would be about the quantity

be removed from a channel of 16 feet depth and 200 feet wide. The results being from their nature uncertain, the operation undertaken, in the first place, as an experiment merely ; a greater excavation of 100 feet should not, therefore, be attempted in the first instance ; but, the boat now on the bar would certainly be able to accomplish the work specified, unless delayed by serious accidents. It is not much to expect that such an experimental channel should be of use to vessels ; or that it would not be found inconveniently shallow, that the obliterating causes, which would be as great as in a straight channel, would not be very sensibly felt. Still, if this mode of improvement should succeed at all, it is thought that ample evidence to encourage efforts would survive the year. And, even should unlooked-for circumstances arrest the progress of operations before the narrow excavation had been accomplished, enough might still have been done to establish the practicability of the project ; for, if the excavation thus made should be distinctly traceable after the lapse of some months, it should be very favorable evidence.

In consideration, therefore, it is recommended that the present bar be kept diligently employed in excavating a 16-foot channel through the bar of the northeast pass, until a channel shall have been cut

entirely across the bar, with a breadth of 100 feet; that, this as the said boat should continue diligently employed in widening the channel, during the remainder of the year; that the said channel be made straight, and conformable to the line of deepest and best of the present natural channel; and that the said dredge boat should be permitted to excavate any other portion of the pass in question, or in the pass.

The channel being excavated, buoys should be anchored at the margin thereof, in order both to guide vessels and afford aid in the passage.

It may be well to mention here, that the process of dredging is compatible with the application of the 2d project mentioned above; and it is possible that the 2d project may, in the end, and partially at least, be of aid for in aid of the dredge.

ESTIMATE.

To work the dredge 10 months; that is to say, from January 1, 1839, to January 1, 1840, lying by two months during the most sickly season, at \$7,000 per month	-	-	-	-	-
To meet unforeseen expenses, considerable repairs, &c	-	-	-	-	-

Amount available	-	-	-	-	-
Required to be appropriated	-	-	-	-	-

All which is respectfully submitted.

JOS. G. TOTT
Chief Engineer

Hon. J. R. POINSETT,
Secretary of War.

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IN SENATE OF THE UNITED STATES.

MAY 14, 1840.

Submitted, and ordered to be printed.



Mr. WHITE made the following

REPORT:

Committee on Pensions, to whom was referred the claim of Benjamin Owens, report:

The claimant alleges that he served in 1785 in the militia of South Carolina three months in the whole at two different times. Sixty-seven days' duty is proved by the certificate of the comptroller-general of South Carolina. No other evidence in regard to his service accompanies the case. He does not claim to have served more than the three months, and no evidence is made by him, that the sixty-seven days' service, proved by said certificate, is different or additional to the three months, set forth by him. Whether the same or not, his claim cannot receive the sanction of this committee.

The committee recommend the passage of the following resolution:
Resolved, That the claim of Benjamin Owens ought not to be granted.

Rives, printers.

IN SENATE OF THE UNITED STATES.

MAY 14, 1840.

Submitted, and ordered to be printed.



Mr. PIERCE made the following

REPORT :

The Committee on Pensions, to whom was referred the petition of Thomas Amerman, report :

The petitioner claims to have entered the United States service in February, 1777, then in his fourteenth year, and to have been employed by and under his father, Albert Amerman, who, he says, was engaged in November, 1776, to superintend the building of ovens for baking for the army at continental village near Peekskill, and was attached to the commissary department then under General Babcock, and afterward under General Forth. He states that he served more than two years and a half, during which time his father was employed as baker for the army, and that he (petitioner) never realized more than \$20 from the continental money, which he received for compensation.

The committee believe from his statements and from the evidence of three witnesses, that the petitioner was an assistant or waiter to his father in the business of baking for the army; but under no military obligations, and under no other authority, than that of the parent. He himself says, that he was employed by and under his father, and similar language used by the witnesses in reference to his service. His extreme youth, not thirteen, when he was first engaged, and the other facts in the case, render almost certain, that his service was performed in this capacity, and was not such as to entitle him to a pension. The evidence, as to length of service also, is vague and indefinite.

The committee recommend the passage of the following resolution :

Resolved, That the prayer of the petitioner ought not to be granted.

W. H. Rives, printers.

IN SENATE OF THE UNITED STATES.

MAY 14, 1840.

Submitted, and ordered to be printed.



Mr. PIERCE made the following

REPORT :

he Committee on Pensions, to whom was referred the petition of Samuel Cozard, report :

That the petitioner represents that on the 29th of July, 1794, he and three others were surprised by a party of Shawnee Indians, near a fort in Harrison county, Virginia, and taken prisoners, and the youngest brother perished on the spot ; that he was carried into captivity by them, and in short time sold to the Wyandot tribe ; that he was treated with great cruelty by both ; that his relatives discovered him after he had been held in captivity more than two years, and succeeded in obtaining his liberation ; that, to redeem him and his brothers, his father sustained a pecuniary loss of at least \$2,000. On these grounds he prays for a pension.

His brother (John Cozard) gives an affidavit setting forth the same facts ; and that he was sent by his father to effect the petitioner's redemption, in which he was successful.

His good character is certified to by two ministers of the Baptist church, and by another gentleman.

The facts in this case, in the judgment of the committee, furnish no grounds for the relief prayed for. The committee report the following resolution :

Resolved, That the prayer of the petitioner ought not to be granted.

W. H. Rives and Rives, printers.

IN SENATE OF THE UNITED STATES.

MAY 14, 1840.

Submitted, and ordered to be printed.

Mr. PRENTISS made the following

REPORT:

Committee on Pensions, to whom was referred the petition of Shearborn Dearborn, report :

the petitioner represents, that he served about three months, in the fall of '77, in Captain Dearborn's company under General Stark, and was in battle of Bennington; that he was soon afterward engaged in driving for the use of the army, for about six weeks; and that he was also employed for a considerable length of time in teaming salt from Portsmouth, New Hampshire, to the American camp for the use of the army. No other evidence is produced, except the assertions of the petitioner; and his statements are neither specific nor full. He expressly admits, that the whole time of all his alleged services falls short of six months; but how much, is not stated.

The committee are not informed in what character, and under what conditions, he performed the duty of driving cattle and teaming salt; but they manifest that his case is not embraced either in the letter or spirit of the existing law.

They report the following resolution :

Resolved, That the prayer of the petitioner be not granted.

& Rives, printers.

IN SENATE OF THE UNITED STATES.

MAY 14, 1840.

Submitted, and ordered to be printed.

Mr. PRENTISS made the following

REPORT :

Committee on Pensions, to whom was referred the petition of Richard Elliot, report :

petitioner alleges that he volunteered to serve, instead of his brother, draughted for six months, in the spring of 1780 ; that he left North, Connecticut, about May 20, and about the 25th May arrived Wick's Point ; that in two or three weeks afterward he was ordered to the river ; and in a short time after this he was selected with some of the lines to form a corps of infantry ; he believes that the enlistment was made at this time ; he states that he was in Baldwin's company, Colonel Swift's regiment, and General Hunt's brigade.

Stannard testifies that he was in the same company with Elliot ; that he was in Connecticut together and joined the army together at Nelson's Point, which was between the 5th and 10th of June, 1780, as he believes ; Elliot remained with him till discharged, having served, he thinks, six months. Stannard's credibility is certified to.

Records show that Elliot enlisted June 27, 1780, and was discharged June 3, 1780, being twenty-three days less than six months.

Petitioner does not pretend to state the precise time of his enlistment ; the evidence, as to a fact of this character, is so extremely doubtful in the case of a man of sixty years, that the committee feel bound in this case to follow the record evidence as to the duration of the petitioner's service.

Committee report the following resolution :

Resolved, That the prayer of the petitioner be not granted.

Witness, printers.

MEMORIAL

OF THE

BOARD OF TRADE OF THE CITY OF BALTIMORE,

PRAYING

The passage of a bankrupt law.

MAY 15, 1840.

Laid on the table, and ordered to be printed.

to the honorable the Senate and House of Representatives of the United States :

The memorial of the board of trade of the city of Baltimore,

RESPECTFULLY REPRESENTS :

That their attention has been called to the subject of a general bankrupt law ; and your memorialists, being of opinion that such a law would be beneficial to the citizens of the United States, respectfully ask for the passage of a bankrupt law for traders generally ; and, as in duty bound, will ever pray, &c.

By order of the board :

JAMES WILSON,
President of the Board of Trade.

SAM. T. THOMPSON *Secretary.*

W. & Rives, printers.

IN SENATE OF THE UNITED STATES.

MAY 18, 1840.

Submitted, and ordered to be printed.

Mr. STRANGE made the following

REPORT :

[To accompany bill S. No. 131.]

The Committee on the Judiciary, to whom was referred the petition of Thomas L. Winthrop and others, directors of the New England Land Company, praying indemnity for certain lands ceded to them, or a return of said lands, have had the same under consideration, and report as follows :

1. That on the 24th day of April, 1802, the State of Georgia ceded to the United States certain lands ; in which act of cession, it was provided that the United States might appropriate thereof not exceeding five millions of acres, for satisfying certain claims on the said lands, commonly called the Yazoo claims, provided the act of Congress making such appropriation was passed within one year.

2. That accordingly, by an act regulating the grants of land, and providing for the disposal of the lands of the United States, passed the 3d of March, 1803, so much of the five millions of acres reserved as aforesaid as should be found necessary, was appropriated to the purpose for which they had been reserved.

3. That in the month of January, 1796, sundry persons, among whom was one William Wetmore, purchased of the Georgia Mississippi Company, (otherwise known as the Yazoo Company) 11,380,000 acres, by estimation, of the Yazoo claim, at ten cents per acre. The conditions of the purchase were, that the purchase money should be paid as follows, viz : two cents per acre on or before the 1st day of May, 1796 ; one cent more on or before

the 1st day of October, 1796 ; two and one half cents more on or before the 1st day of May, 1797 ; two and one half cents more on or before the 1st day of May, 1798 ; and the remaining two cents on or before the 1st day of May,

1799. The whole of the purchase money was to be secured by negotiable notes of the several purchasers, with approved endorsers, to be delivered to the vendors upon the execution of the deed of conveyance by them. It was further agreed, that the deed, when executed, should be placed in the hands of a third person, as an *escrow*, to be delivered over by him to the grantees upon the payment of the first instalment. After the purchase, and before the delivery of the deed, the purchasers formed themselves into an association called the New England Mississippi Land Company, and executed sundry articles of agreement, and among other things agreed that the deed of con-

veyance should be made to Jarvis, Newman, and Wetmore, as gra before stated ; and that they should execute deeds to the several purchasers for their proportions in the land, but should retain them until the purchasers should sign the said articles of association ; and the several purchasers should execute a deed of trust to Jarvis, N. and one William Hull, of their respective shares in the said purchase, to them and the survivors of them, to be disposed of according to the articles ; that the business of the association should be managed by a board of directors, who were to have full power and authority to dispose of the land and pay over the proceeds to the proprietors in their respective proportions ; that certificates were to issue to the proprietors, which certificate recorded in the company's books, and was to be " complete evidence of the person of his right in said purchase," and was to be transferable on record ; and upon a record of the transfer on the company's books, the transferee was to be entitled to vote as a member of the company.

4. That the share of Wetmore in the purchase was 900,000 acres and he paid the first instalment. His endorser paid of the purchase money \$45,000 and \$45,000 remained unpaid. Wetmore received his certificates from the trustees for his whole purchase, and sold or conveyed the same to other persons. Other shareholders were in a similar situation.

5. That the sum of \$1,550,000, to be issued in public stock, by the United States, before mentioned, was appropriated by Congress to indemnify the claimants in the name of or under the Georgia Mississippi Company and the appointment of commissioners directed, who should " adjudge and determine upon the sufficiency of releases and assignments made by the claimants to the United States, according to the provisions of the act, and also to adjudge and determine upon all controversies arising from the claims so released as aforesaid, which may be found in conflict with each other, and be adverse to, each other." These commissioners were appointed, and they ordered the New England Mississippi Land Company the sum of \$1,000,000 in stock only. The commissioners believing that the unpaid balances on the original purchases constituted a specific lien upon the lands conveyed to the United States, in proportion to such unpaid balances, a further sum, which the United States otherwise have allowed to a large amount.

6. That in the year 1819 a suit was tried in the Supreme Court of the United States, between one Brown and one Gilman, (vide 4 Wheat) wherein it was decided that the unpaid balances of the original purchase money due from Wetmore and others constituted no lien upon the lands conveyed, and that Wetmore and others, and their assignees, were to receive the sum received from the United States, in equal proportions with the assignees of those, who had paid the whole purchase money. The directors or trustees of the fund were decreed to distribute it according to this, of course, diminished proportionally the dividend of the other shareholders ; and either they have not received what was really intended by the commissioners of the United States, or the directors must have taken from them a part of it out of their own pockets, or been compelled to do so by their private means the sums recovered by claimants in the Supreme Court of the United States. Any of these results are unjust. Wherefore the committee have reported the bill referred to them, with an amendment which provides that the said trustees shall be refunded such sums as they have actually distributed over and above the sum received from the United States, and no more.

MEMORIAL

OF

A NUMBER OF MERCHANTS OF THE CITY OF NEW YORK,

REMONSTRATING

Against the passage of the bill (H. R. 100) to ensure the more faithful execution of the laws relating to the collection of duties on imports.

MAY 18, 1840.

Referred to the Committee on Finance, and ordered to be printed.

to the honorable Senate and House of Representatives in Congress assembled:

The undersigned, merchants of the city of New York, respectfully and earnestly protest against the passage of the bill recently reported from the Committee on Manufactures, entitled "An act to ensure the more faithful execution of the laws relating to the collection of duties on imports," inasmuch as it contains provisions cruelly unjust and oppressive in their character, and inconsistent with the spirit of the Constitution of the country, imposing burdens upon a class of men to which no others are subject, and depriving them of the benefit of rules of evidence, which should be common to all.

Howland & Aspinwall
Joseph Foulke & Sons
William Whittock, jr.
D. P. Whitmarsh
Andrew Foster & Sons
Everett & Battelle
Heckschen, Coster, & Masten
Benjamin Richards
Saltus & Co.
Isaac Bell
Ferguson Collins
Wilner, Booth, & Baldwin
Godfrey Pattison & Co.
Carlus Haydock & Co.
Meigs D. Benjamin & Co.
Richard Bartlett
Henry Haviland
Charles Smith
E. Riggs

Edward G. Roberts
Henry L. Van Wyck
Geo. Whitaker
Samuel J. Willis
Stephen Van Wyck
Joseph Stukler
Samuel Demiston
M. Walton
David Morrison
J. & C. Gascoigne
Wm. Hutcherson
F. A. Delano
A. Fowler
Forrest & Drummond
John Watson
Samuel Bradbury
Herman Baker
Samuel Smith
Hugh Young

William Bottomby
 George Watts
 Edmund Tromvord
 O. D. Lynch
 J. Heard
 Saul. Broadherst
 Geo. H. Folsom
 Peet, Bostwick, & Hitchcock
 Ralph Post
 U. C. Carey
 Wm. & T. Jacques
 Geo. Shaw
 Hugh Macfarlane
 Wm. Fritts
 Hunt Brothers
 Gourlie & Ogden
 Eben. Cauldwell & Co.
 James D. Roche
 Bern Hart
 Q. B. Denny
 J. W. Buckley
 Loerschigs Wesendonck
 H. & C. Tobias
 Edwin Shaw
 Leverett & Thomas
 A. Averill & Co.
 W. H. Minturn
 Robert & Williams
 George T. Trimble
 Alfred Pell
 John Watson & Co.
 Brower & Rusher
 R. & A. Latté
 S. E. Benson
 Robert Balmano
 John Granger
 J. Browneil
 H. M. Smith
 W. Scott Hanfred
 Sam. M. Pond
 Parisen & Giulini
 B. W. & H. N. Hart
 James Ludlow
 Thos. F. Campton
 Wm. Jessop & Sons
 J. S. Hutchings
 Fellows, Caryill, & Co.
 Washington Van Wyck
 Edw. A. Wright
 George Trull
 George C. Allen
 Field & Kellogg

Alfred Waller
 Charles W. Foster
 Taylor Merrill
 Emanuel Burckley
 Joseph Sampson & Co.
 Sam. Tucker
 John Harlow
 And. Carrigan
 H. Markoe
 G. A. Ward
 Fred. A. Benjamin
 J. P. Johnson
 D. Gould
 Bailly, Ward, & Co.
 Underhill & Ferris
 Andrew Jordan
 Lewis Bleidorn
 D. Satterlee
 Post & Kellain
 Jagger & Skidmore
 L. & N. Kirby & Co.
 Wm. Crowley & Sons
 Moore & Neilley
 Alex. Knox
 Miles & Bigley
 Stuart Hollan
 Hyatt, McBurney, & Co.
 Bauman Lowe
 Charles Hallock
 Purdy, Whigham, & Co.
 Chs. Braudigan
 S. B. Draper
 John D. Perryman
 Chas. W. Underhill
 Jacob S. Baker
 Garniss E. Baker
 James Struthers
 John Heath
 Lewis Bench
 S. & S. Halsted
 H. Yindall
 Wm. B. Skidmore
 A. L. Reynolds
 John Napier
 John Jackson
 George M. Cord
 Wm. H. Arthur
 J. W. Ledwith
 O. Elwood
 E. Starr
 Orrin Swift
 Henry A. Coit

dshead & Co.
 T. Harris
 Edetsten
 W. Seymour
 Harris
 ed Edwards
 Bottomley
 L. Neckie
 rles Clifton
 mas C. Hallett
 id Hart
 L. Lansing
 s. Denison
 rles Englee
 L. Maitland & Son
 Chauncey & Co.
 s. Baldwin
 A. Wilson
 A. Smart
 Wheelright
 C. Merritt
 Cochran
 P. Elwelt
 Holey
 ard Dunscomb
 Boyd
 d & Co.
 burn & Vandervoort
 h & Edgar
 andre
 k & Co.
 P. Kitching
 V. Dunham
 R. & C. Hitchcock
 iel Whitney
 , Bostwick, & Hitchcock
 yer, Burk, & Co.
 cy, Moore, & Irvine
 ke, Anthony, & Co.
 lee, Pray, & Co.
 ld, Garrand, & Co.
 ons, Lawrence, & Co.
 more & Co.
 z C. Robbins & Co.
 t Dunning
 Lloyd
 imard & Wyckof
 Vetmore & Co.
 nsend Harris
 as H. Van Alen & Co.
 ford, Tileston, & Co.
 gible.]

P. Sheldon & Co.
 James E. Goll
 J. Ellison
 Wm. Dixon
 Henry Wilson
 Sam. Thompson
 A. C. Tuttle
 William Heycock
 Benkard & Hutton
 Jauprelin & Allen
 I. Ferring
 George W. Read
 Ebenr. Rhodes
 Wm. Bent
 John Peters, jr.
 A. S. Ludlow
 James Shaw
 Coffin & Post
 T. T. Rachall
 Geo. J. Sampson
 Wm. H. Taylor
 Chas. B. Redfield
 Alexr. Knox, jr.
 Thos. Crow
 Paton & Steuart
 L. Myers
 Schroeder & Switzer
 Weyman & Thorne
 A. F. Stoddard
 E. A. Dansing
 Wm. Stodart
 Martin Manting
 Fellows, Wadsworth, & Co.
 T. S. Drapen
 Marchall, Spence, & Co.
 James Schofield
 N. Babcock
 B. Wilde
 Labron, Ives, & Co.
 John Lane
 A. G. Spinner
 Harvey & Slagg
 John Falconer
 James R. Hoyt
 Isaac H. Underhill
 Lawrence & Muusels
 Joseph Wrekes
 Schutz & Bleidorn
 Jesse A. Fell
 Charles Langdon
 Edward P. Williams
 John McKay

Geo. A. Dwight
 Louis & Mier
 Barnet Levy
 Samuel C. Swan
 James Buckley
 James Shaw, jr.
 F. Marquand
 James Hinchliffe
 James Wood, sr.
 C. Broadbent, jr.
 Thomas Winterbottom
 Ralph Rhodes
 Samuel Ellis
 Joseph C. Farnham
 Wm. R. Hoodless
 Peter Morton & Co.
 John Thomas
 A. Witmerding, jr.
 Goodhue & Co.
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 Peter Harmony & Co.
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 Jas. H. Braine
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 J. W. Gilmer
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 Robt. Kemit
 Corns. Heyer
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 John Sinclair
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 R. Montgomery
 M. Lynch & Co.
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Jas. I. Roosevelt & Co.
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 J. A. Burr
 John Haggerty & Sons
 A. G. Snow
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 A. W. Warner
 Jas. Bergen
 John Weidman
 George E. Cock
 James Haight
 Jno. Wrigley
 C. Harriss
 W. J. Stuart
 John Platt
 Thomas Hunt & Co.
 George Harden
 Ephraim Corrimy & Son
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 J. & A. Lawrence
 W. W. Livermore
 Richard Dant
 P. H. Downin
 Hy. W. Olcott
 A. G. Hazard & Co.
 Chas. E. Hutchinson
 Jno. R. Willis
 M. A. Peirce
 Wm. Macaulay
 M. H. Hoeevensteid
 J. Reid
 O. T. Canvle
 J. H. Stone
 Fred. Gebhard & Co.
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 Wm. J. Miller
 Abraham Birdsall
 Wm. H. Richards
 Horace Southmayd
 James A. Spillett
 John Gates
 D. Appleton & Co.
 William Coffin
 Tooker, Mead, & Co.
 Giraud & Emanuel
 Wm. H. Cary & Co.
 James Mallalien
 Wm. Truslow
 A. Weyman & Co.
 Wm. E. Lewis
 C. G. Hubbard
 Rapelye & Purdy

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Stearns A. Houghton
 Tho. P. Bucklin
 John Wallis, jr.
 John Quarten
 Jno. Jay Phelps
 Amos. R. Eno
 Chas. B. King
 Jas. J. Kenalen
 Greenway, Henry, & Co.
 Jacobs, Pierce, & Co.
 Geo. F. Ringg & Co.
 Marsh, Stillwell, & Co.
 John Steward & Co.
 Marsh & Compton
 Williams, White, & Co.
 Van Antwerp, Hyde, & Co.
 N. Berry
 J. & R. Leavit
 Alex. B. McAlpin
 Chas. E. Billclarke
 Cha. Dupues
 Edward F. Kenworthy
 Albt. J. Tobias
 J. Howard & Sons
 John Blunt
 D. & A. Kingsburn
 Amory & Leeds
 Geo. W. Gray
 H. C. Westervelt
 N. Lord
 Haviland, Keese, & Co.
 Joseph L. Brigham
 Eustis Prescott & Son, by the
 att'y, J. V. Jones
 Francis Tomes & Sons
 Parker & Field
 Wm. H. Schofield
 Jno. Mortimer, jr., & Co.
 R. R. Brown
 D. Hadden & Co.
 Jno. Bradbury
 S. A. Fitzgerald
 Jos. H. Adams
 Smith, Thurgar, & Co.
 William Binns
 George Taylor
 Picubia & Mauranedo

NEW YORK, May 16, 1840.

SIR : The undersigned have the honor to transmit to you the accompanying remonstrance to the bill recently passed by the House of Representatives, entitled "An act to ensure the more faithful execution of the laws relating to the collection of duties on imports;" and they respectfully request you to present the same to the Senate in behalf of the merchants of this city.

The undersigned would experience additional pleasure could they know that the remonstrance would meet your able co-operation and support. They beg, therefore, to intrude for a moment on your time and patience, in explanation of the delay which has attended the presentation of any remonstrance, and, at the same time, solicit your examination of the long list of associated firms subscribed to that which they now have the honor to present. Such an examination will convince you, sir, that this protest springs from a source worthy of your attention.

Mr. Adams, in his remarks on the bill, stated in effect, that the bill had been for two months before the House, and the merchants of New York had not remonstrated; and that had they done so, the bill would not have received his support. Upon the occasion of this delay we speak. When the bill was presented but one opinion prevailed here, and that was, that such an act, so highly unjust to the mercantile community of the country, so fraught with mischief, so much against the spirit of the Constitution, so contrary to the principles of common law, and so oppressive upon a particular class, could *never* receive the sanction of honorable members. Judge then, sir, of their surprise, when they find the bill in question meeting so powerful support, and convincing them of the necessity of immediate action, to dispel the false impression which their silence seems to have engendered. The remonstrance, therefore, has been drawn up hastily, and every name appended to it has been entirely voluntary.

Many arguments could be adduced to show the utter impracticability of accomplishing the object intended by the bill in question, but time will not now permit, as further delay would endanger our cause; but should it be necessary, the undersigned would be happy to respond to any calls which may be made on them.

Before closing, permit us to state, that all parties have contributed their signatures, and denounced the bill as one of abominations. A hasty examination of the list will show you that it comprises many warm supporters of the Administration.

We have the honor to subscribe ourselves, with respect and consideration,

BENKARD & HUTTON,
PEABODY, RIGGS, & CO.,
GODFREY, PATTISON, & CO.,
On behalf of the merchants of New York.

HON. SILAS WRIGHT,
: *Senate of the United States.*

DOCUMENTS

RELATING

to the bill (S. 347) "to establish ports of entry in the States of Arkansas and Missouri, and to allow debenture on foreign goods conveyed over land from such ports to Mexico."

MAY 18, 1840.

Ordered to be printed.

TREASURY DEPARTMENT, *February 7, 1840.*

SIR: Concurring in the views expressed in the accompanying report, made to me by the First Comptroller of the Treasury, dated the 6th instant, touching the subjects of inquiry enjoined on the Committee on Commerce, the resolutions of the Senate and memorials specially referred to in said report, I beg leave respectfully to submit the same for the consideration of the committee.

As consideration has been duly given by the Comptroller to the representations and statements, contained in letters addressed by certain honorable senators to this department, in the matters under examination, and may be useful to the committee, I have taken the liberty to enclose them herewith, well as the copy of a former report to this department.

I have the honor to be, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. WM. R. KING,

Chairman of Committee on Commerce, U. S. Senate.

TREASURY DEPARTMENT,
First Comptroller's Office, February 6, 1840.

SIR: I have the honor to acknowledge your reference of the following documents, relating to the establishment of ports of entry and delivery within the States of Arkansas, Missouri, Mississippi, Illinois, Michigan, and Wisconsin Territory, and for the increase of the salary of the surveyor at New Orleans; upon the several subjects of which you have desired me to report the views entertained by this office, viz:

1. A resolution of the Senate for inquiry into the expediency of establishing ports of entry on Red river and Arkansas river, and entitling all foreign merchandise exported over land from such ports into Mexico to drawback.

2. A letter from the Hon. W. S. Fulton, addressed to you, referring to the resolution just mentioned, and recommending the establishment of ports of entry at Van Buren on the Arkansas and at Fulton on Red river.

W. R. Rives, printers.

3. A memorial of the Legislature of Missouri, for a port of entry on the Missouri river, and the allowance of drawback on goods exported by land to Mexico.

4. A resolution of the Senate regarding ports of entry at Grand Gulf and Rodney, in the State of Mississippi.

5. A resolution of the Senate regarding ports of entry and delivery at the cities of Chicago, Alton, and Cairo, in the State of Illinois.

6. A resolution of the Senate regarding a port of entry at Mississippi city, in the State of Mississippi.

7. A petition for the establishment of a port of entry at Milwaukee, on Lake Michigan, in the Territory of Wisconsin.

8. A memorial from the surveyor at St. Louis, praying an increase of compensation.

With regard to the ports of entry proposed to be established at Van Buren on the Arkansas and at Fulton on Red river, both in the State of Arkansas, as well as the port of entry proposed at some point of the Missouri river, on the western border of the State of Missouri, I have the honor to observe, that the grounds upon which the expediency of creating such ports is suggested, being contained in the communication of the Hon. Mr. Fulton and the memorial of the Legislature of Missouri, would seem to remove all doubt as to the advantages that may be reasonably calculated upon by the United States, if those ports should be created and the privilege of debenture extended, in the contemplated trade with Mexico. So far as the safety of the revenue is concerned, in the overland transportation or exportation of goods, there does not appear to me any serious or insurmountable impediment; but I would beg leave to support this opinion by referring to the enclosed copy of a report made to you by Mr. Comptroller Anderson, on the 20th of January, 1835, in which the views of this office were given upon an analogous proposition, the establishment of a port of entry at Independence, situate on the western border of Missouri, and in which forms of additional regulations to be prescribed for guarding the revenue, were submitted. These forms will indicate the character of any further regulations deemed necessary, and when modified or extended, to meet all the contingencies of such trade, would certainly interpose an efficient check against any probable evasions of law.

With regard to the establishment of ports of entry at Grand Gulf and Rodney, in the State of Mississippi, I have to observe that, while a necessity for their creation is not apparent, being situated on the Mississippi river, between Natchez and Vicksburg, and within a few miles of each other, Grand Gulf lying at the mouth of Big Black river, the proposition is not supported by any reasons adduced, or information in possession of this office.

With regard to the city of Mississippi, which it is proposed to establish as a port of entry, and which is found on the Gulf of Mexico, between the ports of Mobile, on the bay of that name, and Pearlinton, on the Pearl river, I have to observe, that it does not appear to be connected with any navigable stream communicating with the interior; nor does there exist, as far as known to this office, any sufficient motive for recommending it as a port of entry.

With regard to the cities of Chicago, in the State of Illinois, and Milwaukee, in the Territory of Wisconsin, I have to observe that, being on the Lake Michigan, they are conceived to offer eligible positions as ports of

y ; as, also, Cairo, in the State of Illinois, at the junction of the Mississippi and Ohio rivers, which would seem to present another position claiming equal attention.

With regard to Alton, in the State of Illinois, being situated on the Mississippi, a short distance above the junction of the Missouri with the Mississippi, and a few miles below the junction of Illinois with the Mississippi, we have to observe that its position presents peculiar claims to the desired establishment, and the more so from the circumstance of there being, at the present time, no port of entry on either of the great rivers bounding or flowing through that State.

In the event of Alton, or either of the other cities, being created a port of entry, the question would naturally arise, whether all of them should not be placed on a footing analogous to that provided for by the act of March 2, 1815, entitled "An act allowing the duties on foreign merchandise imported at Pittsburgh, Wheeling, Cincinnati, Louisville, St. Louis, and Nashville, to be secured and paid at those places," by annexing them to proximate collection districts already established.

With regard to the salary of the surveyor at St. Louis, I have to observe that the allowance now made is obviously not a fair compensation for the services performed, as surveyor, inspector, collector of the revenue, and agent for the marine hospital at that port. I therefore recommend that an adequate provision be made for him; and would also suggest that, as his salary is fixed by the law before-mentioned, in connexion with the other officers acting under it, it would seem to be but equitable that inquiry be made as to the expediency of allowing to all of them a more liberal compensation, as it is believed that competent men cannot be retained in the service of the Government at the enumerated ports, between which the revenue is somewhat exposed, unless some better provision be made for their support than would appear to have been authorized by the existing law.

In closing this report, it may not be improper to add that my views in regard to the expediency of establishing ports of entry or delivery, in the manner proposed, and at the places designated, have been necessarily, in a great measure, the result merely of an examination of their geographical positions on the maps within my reach. In regard to their eligibility for designation as ports of entry, in other respects, all the information necessary for a just determination is presumed to be within the control of Congress; and the extensive internal trade now existing between places hitherto wholly unknown must be anticipated to induce similar applications, which may lead to an augmentation of officers, without resulting in the benefits contemplated; and it is, therefore, conceived to be the dictate of sound policy to add, so far as practicable, the multiplication of ports at minor points of commerce, or where there does not exist an absolute necessity.

All the documents are returned.

Respectfully submitted.

J. N. BARKER, *Comptroller*.

HON. LEVI WOODBURY,
Secretary of the Treasury.

IN SENATE OF THE UNITED STATES,
December 27, 1834

On motion by Mr. Fulton,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing ports of entry on the western border of the State of Arkansas, to be located on Red river and Arkansas river; also, of entitling all foreign merchandise exported overland from the ports into Mexico to drawback.

Attest :

ASBURY DICKINS, *Secretary*

WASHINGTON, January 7, 1844

SIR: I am informed that the question of establishing ports of entry, Van Buren, on the Arkansas, and at Fulton, on Red river, has been referred to your department for information and approbation; and, as I consider the State of Arkansas, as well as the United States, to be deeply interested in the question, I take the liberty to explain to you the grounds upon which it is considered to be expedient to establish ports of entry at those points, also to entitle goods transported overland from such ports into Mexico to drawback.

If these ports of entry were established, and the drawback allowed on foreign merchandise exported from thence overland into the department of Chihuahua, we could easily secure to the United States the immensely valuable trade of that department. That department of Mexico contains a population of 150,000 souls. There are eight hundred gold and silver mines, supposed to be inexhaustible, in operation in the department, in which are employed 6,000 laborers or miners. The present yield is over two millions of dollars in gold and silver bullion and in gold particles. They have yielded eight millions, and would now yield as much, if the water could be excluded from the deep mines, or if machinery was employed in drawing it off. Much the largest portion of the produce of the valuable mines would be transported to the United States, if the measure here proposed were adopted. Their present trade is carried on by way of Matamoras, on the Rio del Norte, which is as remote as the highest point of Red river; besides, the route is dangerous and difficult; and, if the drawback is allowed, the trade with Matamoras will be much the most expensive. A portion of this trade passes through Yuymus, on the Pacific, and the Rocky mountains, a distance of 700 miles. This route is infested with bands of robbers, and is, therefore, extremely perilous and almost impracticable. The reasons given by the traders from this department, why they preferred the route to the frontier of Arkansas, were, because the route is fine, easy, natural one, the whole distance well watered, and comparatively without danger. The distance to Red river is not much greater than to Matamoras or to Yuymus, and one thousand miles nearer than to St. Louis. The inhabitants of Chihuahua consume annually fifteen hundred thousand dollars worth of bleached and unbleached cottons, and cotton prints; they decidedly prefer those of American manufacture. They consume, also, about five hundred thousand dollars worth of fine silks, fine linens, and

; all of which can be easily carried overland from the ports of Arkansas. A company from that department brought into the United States a large amount of bullion by the Red river route last year; and carried out the same route, notwithstanding the duties which had been paid upon goods, their stocks of foreign, as well as domestic merchandise. They were delighted with the fine prairie route they travelled, and carried out a number of the most costly pleasure carriages of American manufacture. Looking every thing into view, I cannot but believe, that, if these ports are opened, and the proposed drawback is allowed, a trade of the first importance and value to the United States will be immediately established with the interior departments of Mexico.

I have the honor to be, most respectfully, your obedient servant,
WM. S. FULTON.

D. LEVI WOODBURY.

Memorial to the Congress of the United States relative to the Santa Fe trade.

This memorial of the General Assembly of the State of Missouri,

RESPECTFULLY REPRESENTS :

That they have frequently memorialized your honorable body in regard to the commercial relations between this State and the Republic of Mexico. The object of these memorialists was to urge upon your consideration the necessity of placing those of our citizens, who are engaged in the Santa Fe trade (as it is commonly called) upon the same footing with those of other States and countries, by establishing a port of entry and custom-house at some point on the Missouri river, near our western border; and by allowing them the usual drawback on all foreign goods exported by land, in the usual package, from that point to any part of the Mexican republic. As your Assembly have failed to adopt the course of legislation asked for by this memorial, your memorialists have felt it their duty again to call attention to the subject. In the hope of attracting the attention and inducing the speedy action of Congress, your memorialists present a statement of facts in connexion with this trade.

While the country and people, now embraced within the limits of the Republic of Mexico, were under the dominion of Spain, it was the policy of that monarchy to monopolize the commerce and enslave the thoughts and opinions of her transatlantic subjects. To render this course of policy effective, Spain prohibited, under the severest penalties, not only the residence of foreigners within her colonies, but, also, the introduction of all commodities of foreign growth and manufacture, unless they had been previously introduced into the ports of the peninsula. These prohibitions isolated the people of the United States, for a long time, from obtaining a knowledge of correct information in regard to their western neighbors. In the year 1806, Lieutenant Pike and his companions having, by mistake, reached the Rio del Norte, instead of the waters of the Red river of the Mississippi, were thrown into the prisons of Santa Fe. After his liberation, which occurred in the following year, Lieutenant Pike returned to the United States by the way of Texas, and published a journal of his expedition and travels.

This journal at once convinced the enterprising that great advantages must result from an inland trade between Missouri and the Mexican provinces; but they were restrained from embarking in it, through fear of a fate similar to that of Lieutenant Pike and his companions.

In 1810, the patriot Hidalgo raised the standard of liberty, and, for a short time, overthrew the royal authority in most parts of New Spain. No sooner had the news of this revolution reached St. Louis, than (in 1810) Smith, McKnight, Chambers, Beard, and some ten or twelve others, set out for Santa Fe; but, before their arrival, Hidalgo had been put to death in Chihuahua, and the liberal party entirely overthrown. Instead of arriving among a people who they supposed would greet them as friends, these enterprising adventurers were immediately seized by the vice-royal authorities, loaded with irons, thrown into various prisons, and their property all confiscated. Ignorant of the fate of this party, Messrs. Chouteau and De Mun, of St. Louis, some four or five years afterward, were decoyed into the power of the Spanish authorities in Mexico; their goods were likewise confiscated, and they themselves, after a short imprisonment, were permitted to return home. In 1821, the gentlemen composing the first expedition to Santa Fe returned to St. Louis, arousing the sympathies of their hearers by their tale of long suffering and sorrow in Mexico, and awakening the attention of speculators, by their statement of the immense prices which merchandise of all descriptions bore in that country.

At this time, the royal armies having evacuated Mexico, and left the patriots in almost peaceable possession of the entire country, Chambers and Beard found no difficulty in organizing a strong expedition for the Santa Fe trade. Some forty or fifty persons with pack-animals started across the plains; but, owing to many unforeseen circumstances, the expedition proved a total loss to those who were interested in it. This trade was carried on by means of pack-mules and horses until the year 1824, when it assumed a different aspect. The traders commenced the transportation of their goods in wagons, and the supply, which, by means of the transportation before used, had been insufficient for the necessities of the people of New Mexico, now by far exceeded their wants or their means. The traders were thus compelled to seek for a market in the more southern States—Chihuahua and Senora. The traffic with these States was found to be exceedingly profitable, and continued to be so until about the year 1828, when two hundred wagons, loaded with goods of the value of half a million of dollars, at Missouri cost, arrived at Santa Fe. A very large proportion of these goods had to be taken to Chihuahua for sale; and there, for the first time, they were met by a still greater amount of goods, which had been entered at the ports of Matamoras and Tampico, on the gulf of Mexico. These assortments had been purchased at New Orleans, New York, and Philadelphia; had been reshipped, and the drawback having been allowed, had been subject to the duties imposed by the Republic of Mexico only; whereas, the goods of the Missouri traders had been subject, first, to the tariff of the United States, and then to the Mexican duties at Santa Fe. Thus laboring under a disadvantage of about twenty-five per cent. additional charges on their goods, the greater number of the traders from Missouri sustained heavy losses. From this time forward, the trade between Missouri and Mexico gradually decreased; and such is now its languishing condition that only seven wagons went to that country during the last season, and the track which the Santa Fe traders have heretofore followed over the

ies must be soon obliterated, unless Congress shall infuse into the vigor and life, by allowing to our traders the same privilege of and debenture which they grant to those who reship by water. The principle is the same. The tariff laws of the United States are in operation upon foreign goods actually consumed within their limits; it appears to be no good reason why the exception to its operation should not extend as well to the citizens of Missouri, who trade by land to those who take their goods to the same foreign market by sea. The necessity of action on this subject by Congress, may be still more strongly enforced by presenting a brief statistical view of those parts of the country in which the Missouri traders usually carry on their traffic.

The fertile land of Mexico enjoys the finest climate in the world; exempt from the snows and frosts of the north, and the insufferable burning heat of the tropics, it yields the productions of both the torrid and temperate zones. In this region of country is situated the city Chihuahua with a population of fifteen thousand souls, and surrounded by a city of double that number. This city is in the heart of the richest country in the Mexican Republic; it contains a branch of the mint, and a cash business of three millions of dollars annually, two thirds of which is expended in the purchase of foreign commodities. The Mexicans, naturally of a gay and lively disposition, are peculiarly so in this rich and wealthy city. No material is too costly, no fabric too splendid, no consumption of the rich; while the poor classes purchase and consume a large amount of coarse cotton and other goods; and, until they have manufactories among themselves—a period which is unquestionable—the demand for this species of goods will rather increase than diminish. The people of New Mexico, the province in which are situated the cities of El Paso and Santa Fe, are more friendly to us than any other of the citizens of Mexico. This arises from an intercourse with us of twenty years' standing, from the mutual advantages which have resulted from such an intercourse; and from the fact that numbers of our men have intermarried with them. This good feeling has been a great benefit to our traders, in enabling them to pass their goods more readily through the custom-house, and in the thousand other correlations that exist between them. The inhabitants of this province, however, are exceedingly anxious that the Congress of the United States should adopt the measures recommended in this memorial, and cherish and support the enterprise of our citizens. The Government of the Republic of Mexico is occupied mostly in quelling internal disturbance, and in endeavoring to maintain its powers, and greatly embarrassed in its finances, has permitted its northern province of Mexico to shift for themselves. Situated on the outskirts of civilization, in the neighborhood of unfriendly or treacherous tribes of Indians, the people of this province have been almost dependent upon the receipts of their custom-houses for the means of subsistence.

In the year 1828, when the Santa Fe trade was at its most prosperous, large amounts of specie were brought to Santa Fe by the traders from the northern States of Mexico, to pay their duty accounts; and the receipts of the provincial treasury were sufficient to enable the authorities to raise and maintain a respectable military force, by which to repel and keep in subjection the neighbors. The people were happy and prosperous; and the herds of sheep, horses, mules, and cattle, covered their plains. From

that time forward, however, the scene has changed. The disadvantages under which our traders labored, by reducing the amount of importations, and consequent receipts for duties, impoverished the provincial treasury, and compelled the local authorities to disband their military forces. Internal broils and dissensions in consequence ensued, and the Camanches, Apaches, Navahoes, and other tribes, unawed and unrestrained, swept every thing before them. The plains and pastures of that province have now become waste and deserted, and her people impoverished.

New Mexico contains the elements of great mineral and agricultural wealth. Silver ore is found in most of her mountains. Her gold mines yield from fifty to one hundred thousand dollars annually, and admit of a much greater exploration and increase. Many rich discoveries of gold have been made in other quarters; but the hostile disposition of the Indians forbids their being worked. Were the authorities of the province enabled to maintain a standing military force, sufficiently strong to subdue or keep in awe the Indian tribes and give protection to her cattle-growers, their flocks and herds would soon extend over the prairies to the waters of the Arkansas; for no country in the world is so well adapted to the raising of stock as the high, dry, and salubrious land of this neglected province.

The passage of a law, such as your memorialists have so repeatedly and earnestly urged upon your consideration, would produce the most beneficial results. Immediately after the passage and sanction of such law, hundreds of wagons, loaded with merchandise, would be employed in this trade. The local authorities of the province of New Mexico, by their custom-house receipts, would be enabled to maintain a sufficient military force to reduce into subjection her Indian neighbors. Her citizens, relieved from apprehension, would resume, with energy, and on an extended scale, their mineral and agricultural pursuits; and our traders would bring back to the United States valuable returns of wool, coarse woollen manufactures, furs, peltries, gold and silver coin and bullion, and horses and mules, bringing into activity and profitable employment the energies of both countries, in different branches of industry.

Your memorialists close this representation by expressing the hope, that the action of Congress on this important subject will be immediate, and result in the early enactment of a law establishing a port of entry and custom-house at some point on the Missouri river, near our western border, and allowing to those who trade from this State to the Republic of Mexico, by land, the privilege of debenture and drawback on all goods exported by them to that country in the original package. And your memorialists will ever pray, &c.

Approved December 27, 1838.

STATE OF MISSOURI, }
City of Jefferson. }

SECRETARY OF STATE'S OFFICE.

I, James L. Minor, secretary of state of the State of Missouri, do hereby certify that the foregoing pages contain a true and perfect copy of the memorial filed in said office, relative to the Santa Fe trade.

[L. S.] Witness my hand and the seal of said office, this first day of October, A. D. 1839.

JAS. L. MINOR, Sec. State.

FORT GIBSON, *December 31, 1839.*

DEAR SIR: From a sense of interest felt for our young State of Arkansas, I must take the liberty of reminding you of the great importance of the trade recently commenced from this State directly to the city of Chihuahua.

The city of Chihuahua is, no doubt, well known to you as a great commercial place for that country. It is situated in the heart of an immense mining district, as well also as that of commanding the entire commerce of some four or five hundred miles in every direction around it, and may be relied on for the vent of from two to three millions of dollars annually, all of which (if proper protection is given) must, from necessity, pass through our State. I have stated, as above, that from two to three millions can be landed there annually, which statement is not made from any hearsay, but from actual observation by myself, having resided in the city from the winter of 1832 to the fall of 1835, and was, during the whole time, actively engaged in the commerce of the country, from which I feel authorized in stating the amount at two to three millions of dollars annually.

Of the company that came through to our State in August last, most of them are personal acquaintances of mine, and are gentlemen of high standing, from whom I am assured, that the route or road is of the most practicable character, and not more than eight hundred miles from Van Buren, on the Arkansas river, to the city of Chihuahua, which route will be easily performed every six months; when, at the same time, the traders from Missouri, having six hundred miles farther to go, can only perform the route once in twelve months; added to which, they have a second duty of ten per cent. on the Mexican valuation, the extra transportation, &c., making a difference in favor of the trade from Arkansas, of at least twenty per cent.

The principal and almost only protection required to this valuable trade, is that of making Van Buren or Fort Smith a port of entry, for the *sole and express purpose* of giving to the trader the benefit of *debenture* or drawback of duties on our foreign goods, without which a port of entry would be of no benefit or interest whatever.

Knowing that there are, or may be, objections to giving the debenture or drawback on goods cleared from an inland port, allow me to suggest a course by which fraud may be easily prevented on the part of the merchant or trader, which would be thus: On clearing from the port of Van Buren or Fort Smith, as may be, let the trader or merchant give good and sufficient bonds that those goods shall not be sold or vended in the United States, &c., &c., and as a voucher that those goods were landed in the city of Chihuahua, or within the Republic of Mexico, require the trader to produce to the custom-house from which he cleared, the certificate of an American consul or agent of the United States, appointed at Chihuahua for that purpose, and countersigned by the collector of the port of Chihuahua.

If Congress will grant us a port of entry, with the privilege of debenture, we will soon find that it will not only prove so beneficial to Arkansas, but allow me to assure you, from my best knowledge of the business of that country, that there will, without doubt, be large amounts of goods furnished through that channel that are now landed on the coast of Mexico from France and England, which is of no small importance to the United States.

Respectfully, your most obedient servant,

JAMES HARRISON.

Col. J. M. EVIER, *In United States Senate.*

IN SENATE OF THE UNITED STATES.

MAY 18, 1840.

Submitted, and ordered to be printed.

Mr. WHITE made the following

REPORT :

[To accompany bill S. No. 348.]

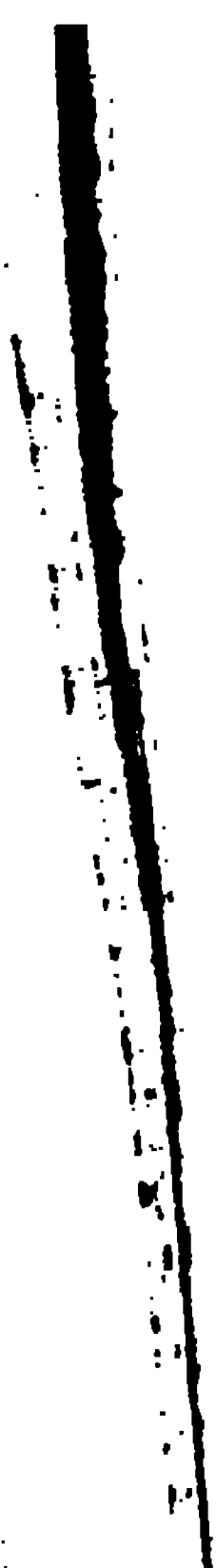
: Committee on Pensions, to whom was referred the petition of William Rand, report :

The petitioner states that he enlisted into Captain Simon Marston's company, in Colonel Wingate's regiment of New Hampshire militia, in June, 1776, for six months; that he was marched to Ticonderoga, and there continued during his term of enlistment, when he was discharged. His claims are sustained by the affidavit of Jabez James, who testifies that he joined another company, in the same regiment, in June, 1776, and at the same time that Rand enlisted into Marston's company; that both enlisted for six months, and were marched to, and stationed at, Ticonderoga until their terms of service expired, when they were discharged, and both returned to New Hampshire together.

Rand's name is borne on the rolls of Marston's company; but the rolls do not show the length of the service.

The committee deem the evidence sufficient to establish the claim, and report a bill for six months.

& Rives, printers.



IN SENATE OF THE UNITED STATES.

MAY 18, 1840.

Submitted, and ordered to be printed.

Mr. DAVIS made the following

REPORT :

Committee on Commerce has examined the several communications of Mr. Lepaute to Mr. Davis, and beg leave to submit the following report :

In 1838 this committee made a report recommending the importation of lenticular lights from France, believing the experiments which had been tried in the light houses of that nation had fully established their superiority over reflectors. Pursuant to this recommendation, Congress passed a law authorizing the importation of two sets of apparatus, which, after great delays, have arrived at New York, but have not yet been set up. One apparatus has been constructed under the supervising care of a gentleman most favorably known in Europe, as the superintendent of the construction of lenticular light houses in France, Mr. Henry Lepaute. Being made acquainted with our desire to make a fair trial of this apparatus, through Captain Perry, of the United States navy, who was instructed to contract for two sets, he, in the most obliging manner, tendered his valuable services so that the work was done in the most approved manner. One set is for a fixed light of the second order, and will, it is understood, be set up at Sandy Hook, upon the great track of vessels entering and departing from New York, where its merits will be brought under the observation of shipmasters and mariners standing, as it will, in direct contrast with the light upon Neversink. This position will, therefore, be favorable in all respects for a trial, except, it is feared, the tower is not sufficiently elevated above the sea, to give its greatest range to such a light. The other is a revolving light of the first order, and the Isle of Shoals, near Portsmouth, New Hampshire, has been thought of, as a suitable place for it, but the height of the tower is inadequate to display the light in the most useful manner. This site is recommended, because it lays in the track of a great commerce, in a region subject to that weather and fogs which will bring the power of the light to the severest test. All these matters are however confided to the care of the Fifth Auditor, Mr. Pleasanton, who appears to take a considerable interest in them, and feels anxious that the lights should be fitted in the best manner, and a fair and full trial of them be made, and the committee have no fears as to the result.

If well-authenticated evidence may be relied on, the brilliancy of the beam of light formed by the lenses, has never been surpassed in light-houses, and we are deeply indebted to the learning and perseverance of those able,

& Rives, printers.

scientific gentlemen in France, who have devoted themselves with zeal and signal success to the improvement of light houses.

Mr. Lepaute, who has given as many proofs of the value of his services in this department, asserts the extraordinary fact, that the first class of lenticular lights may be seen with the naked eye fifty miles; the second forty miles; the third twenty eight miles; the third *small* twenty-five miles; the fourth revolving twenty miles; the fourth fixed fifteen miles; while it appears that none of ours are visible more than twenty-seven or twenty-eight miles, and most of them from ten to sixteen miles only. Therefore, the third order, and even the third small, is equal to our best; and the quantity of oil consumed, Mr. Lepaute represents to be at least one-third less. It will be seen by the annexed table, that he has computed in killogrammes, the quantity of oil consumed by each of our light-houses in a year, the aggregate of which is equal to 242,054, and also the quantity necessary for lenticular lights of equal power which is equal to 130,300 killogrammes.

This presents to us a strong motive to persevere in the trial till we have seen for ourselves the results.

If they turn out as favorably as we have good reason to believe, we shall soon lay aside our reflectors for lenses, and probably diminish the number of our establishments considerably: our outer or sea lights which are first seen by mariners approaching to the coast ought mostly to be of the first and second order to give early warning to vessels. Those which are employed to indicate the channels and head-lands of our inland waters may be chiefly of the smallest order.

It is understood that Mr. Pleasanton has engaged an experienced artist to come over from France and set up the imported apparatus, which the committee consider a very judicious step, as this work requires skill and experience, and it is also essential that some one should be capable of instructing the keepers in their duties. Mr. Greenough has offered to fit the lamps with his chemical oil and to try the experiment with it. This oil has been subjected to test in the light-house at Boston, and burns with an intense brilliancy greatly surpassing sperm oil. It is desirable to see these improvements united as the happiest results may be anticipated.

Several of our enlightened citizens have turned their attention with much zeal to the improvement of our light houses. Of these Captain Perry, of the United States, was employed to contract for the several sets of apparatus imported by order of Congress; and, while abroad, it is understood collected much valuable information. The committee have on their files, translations of several French documents, communicated to them by Messrs. Barlow and New York, which, so far as they are not similar to those before in their possession, they shall annex to this report. These gentlemen have devoted much of their time to this subject, and have collected much valuable information which they have at all times freely communicated for the benefit of the United States.

The committee take much pleasure in laying before the public, the annexed papers, from the pen of Mr. Lepaute, believing that they will add to the stock of general information; and draw the attention of the learned to this important subject. Our system has not kept pace with the improvement of the age, for we have for a long time made little advancement, while France and England have given an efficiency to their lights never before equalled. Having a great mercantile marine and a great extent of coast, it is our interest, as well as our duty, to light, in the best manner, the day.

path of the mariner ; and the committee take pleasure in giving encouragement to every useful improvement designed for that end.

[TRANSLATION.]

M. Henry Lepaute, general superintendent of the construction of lenticular light-houses in France, residing in Paris, Rue St. Honore, No. 247.

SIR : Pray excuse the liberty which I take in addressing to you, enclosed, a comparative table of the annual expense of oil for the light-houses of the United States, compared with a like number of lenticular light-houses of a corresponding brilliancy and (*portée*) or reach.

The important report which you made on the 22d March, 1838, at the session of the 25th Congress (which Captain Perry did me the honor to communicate to me), on lenticular light-houses, demonstrates the interest taken by you in a system which presents such great advantages, not only in an economical point of view, which might be considered secondary so important a service, but in the much more essential one of having good lights—considerations which you have pointed out in a manner so clear and precise, in demonstrating the advantages which navigators might derive from them.

The table which I have the honor to submit to you, comprises two principal divisions placed opposite to each other ; the first, *for light-houses with reflectors* ; the second, *for lenticular light-houses*.

The first division indicates, beside the name and character of the lights, the distance at which they can be seen, the number of burners which light these light houses, and the annual consumption of oil in *killogrammes*.

The second division indicates the character of those light-houses, generally similar to that of light houses with reflectors, their degree of distance in English marine miles at which they can be seen, the order to which they belong, and the annual consumption of oil for each of them.

The work published this year by Mr. Coulier, entitled "A General Description of Light-houses," comprises a greater number of them than that comprised in the comparative table ; but the names by which some are designated, not being the same as in your report, I have not been able to complete my work, for fear of giving to some light-houses a character different from that which they really have.

Notwithstanding that, I have, I fear, committed some errors on this subject, but I hope that they will be few.

I have found more positive information, which alone has permitted me to complete this comparative table in your abovementioned report of the 1st of March, 1838, concerning the number of burners which illuminate each light-house.

I have supposed that each of these burners was an Argand lamp, consuming 35 grammes of oil per hour, or 140 killogrammes per year, and at 1000 hours by night, the time during which the light houses are lighted.

The lenticular light-houses are designated by their numbers of order, viz., 1st, 2d, 3d, and 4th order. The light-houses of the 3d order are divided into two series ; the first is on a large scale, and the second on the small scale, as indicated in the table by the sign 3p (small model).

Permit me, sir, to present to you some observations relative to lenticular apparatus of the 1st and 2d order, which I have executed on account of your Government, and which were sent to New York in the month of August last.

I have added, also, some drawings, and some very detailed notes on the manner of arranging the apparatus for lighting, and particular instructions about the management of mechanical lamps which are used in their illumination.

My information relative to arranging the apparatus for lighting, me no grounds for uneasiness with regard to this work; but it is the same with lighting, and the care of lamps, although the instructions for this object embrace all the details of their management, and certain provision against every accident which may occur; a plan instruction would have been one guarantee the more.

I proposed to Captain Perry to send during eight or ten days, either to my manufactories, or into one of the lenticular light houses near such as Barfleur or Fécamp, one of the mates or sailors of the which the apparatus for lighting was to be embarked, in order to be reported to New York. This precaution, though not very expensive, have been a guarantee of a good method of lighting, without the light-house cannot give all the light of which it is susceptible.

The position of the burner of the lamp in the apparatus for lighting, the upper part of the burner should be 28 millimetres (a being the thousandth part of a metre), below the middle of the large lenses. And for that of the 2d order, the upper burner should be 26 millimetres below the middle of the central lenses. In order that the lenses may produce all the light of which the flame should be 12 centimetres (a centimetre being the hundredth part of a metre) high for the 1st order, and 10 centimetres for the 2d.

In order to ascertain whether a lamp is in full effect, an order lamp being taken as the unit, the distances at which the shadow is produced by both upon a screen is observed, of calculations made on these observation gives, as the measure of the lamp of the 1st order, twenty five times that of the taken as the unit, and fifteen times for the lamp of the 2d order.

You will doubtless see, sir, that I confine myself to details of importance; but I beg you to believe that they are indispensable to obtain from apparatus for lighting those brilliant flash objects of admiration to the mariners who frequent our ports.

If I had not seen by your report to Congress the great interest you take in the lenticular system, I would not have entered into the practical part of this service.

I have the honor to be, with the most distinguished regards, your humble and very obedient servant,

HENRI

Mr. DAVIS,

Member of Congress of the United States.

comparative table of the annual consumption of oil by the light houses with reflectors and those with lenticular glasses of corresponding range and brilliancy.

IMPORTANT OBSERVATIONS.

The authorities hereon consulted, do not indicate the number of degrees of the horizon which each light-house or lantern should illuminate ; it has, therefore, been assumed that the lenticular lanterns illuminate the entire horizon—360 degrees.

If the lenticular lanterns should illuminate but a part of this horizon, their brilliancy and their range would be augmented by the employment of an apparatus which would reflect, from the surface of the sea, those rays of light which have been lost on the land side.

This observation applies equally to the *fixed*, as to the revolving light.

It has been remarked that the revolving lights are but few in number on the coasts of the United States, and present, in general, but two different characters, of which, the principal is the exhibition of light at intervals of a minute and fifteen seconds.

The fixed lights, on the contrary, are very numerous ; and, from their close proximity to each other, might afford just grounds of fear of accidents arising from mistake.

The lenticular lanterns allow a greater number of combinations ; as, for instance, the returns of light at intervals, of thirty seconds, of one minute, two minutes, of three minutes, and of four minutes.

Independently of those regular returns of light, these lanterns have also a fixed light of a range of fifteen nautical miles for light-houses of the first order, suffering an eclipse at intervals of thirty seconds and of one minute ; and, for those with returns of lights at intervals of two, three, and four minutes, the fixed light has a range of twenty-five, twenty, eighteen, and fifteen, nautical miles, according as the light houses are of the first, second, third, fourth order.

The lenticular lanterns, fixed or moveable, can, at pleasure, present lights colored or white, as those at Norwalk, Monhegan, and White island ; in the last, the lights are alternately red, blue, and white. The glasses which would serve to color those lights could be placed far enough from the blaze to avoid being cracked or broken.

The authorities on which the table is founded, on the other hand, are—
1. *For the number of sockets or spouts which illuminate the lanterns :* report of the Hon. Mr. Davis to the twenty-fifth Congress, second session, dated the 22d March, 1838.

2. *For the character and range of the lights :* the work of Mr. Coulier, titled "A General Description of Light houses ; fourth edition, 1839." The range of the lights appears to be sufficiently indicated by the elevation of the light-houses.

A considerable number of important light houses have not been included in the table, having been indicated by different names in the report of the Hon. Mr. Davis and in the work of Mr. Coulier.

COMPARATIVE TABLE--Continued.

LANTERNS WITH REFLECTORS.

LENICULAR LANTERNS.

Names of the light-houses, and character of the lights.	Range in nautical miles.	Number of sockets.	Annual consumption of oil.	Character of the lights.	Range in nautical miles.	Order of the light-houses.	Annual consumption of oil.
Poplar Point, fixed light	12	8	Kilogs. 1,120	Fixed light, illuminating 360 degrees	15	4	Kilogs. 160
Point Judith, light eclipsed every 1 minute 15 seconds	15	10	1,400	Light eclipsed every other minute	18	3	680
Block Island, 3 light-houses, with fixed lights	15	18	2,520	3 lanterns, with fixed light, of the 3d order	20	3	1,360
Watch Hill, revolving light	15	4	560	Revolving light	15	4	160
Guernsey, fixed light	15	10	1,400	Fixed light, illuminating 360 degrees	18	3	680
New London, fixed light	15	11	1,540	Fixed light, illuminating 360 degrees	18	3	680
Gaybrook, fixed light	15	7	980	Fixed light, illuminating 360 degrees	18	3	680
Falkner's Island, fixed light	18	12	1,680	Fixed light, illuminating 360 degrees	24	2	1,600
New Haven, fixed light	15	8	1,120	Fixed light, illuminating 360 degrees	15	4	160
Stafford Point, revolving light, every 90 seconds	20	10	1,400	Revolving light, eclipsed every 90 seconds	24	3	680
Black Rock, or Fairweather Island, fixed light	12	4	540	Fixed light, illuminating 360 degrees	15	4	160
Norwalk, revolving light, red and white	20	10	1,400	Revolving light, illuminating 360 degrees	24	3	680
Captain, fixed light	15	10	1,400	Revolving light, alternately red and white	18	3	680
Throg Point, fixed light	15	11	1,540	Fixed light, illuminating 360 degrees	18	3	680
Sands' Point, fixed light	15	7	980	Fixed light, illuminating 360 degrees	18	3	680
Baton Neck, fixed light	20	12	1,680	Fixed light, illuminating 360 degrees	24	2	1,600
Old Field Point, fixed light	15	10	1,400	Fixed light, illuminating 360 degrees	18	3	680
Plumb Island, N. Y., revolving light	20	10	1,400	Revolving light	27	2	1,600
Little Gull, fixed light	20	14	1,960	Fixed light, illuminating 360 degrees	24	2	1,600
Montank, fixed light	20	12	1,680	Fixed light, illuminating 360 degrees	24	2	1,600
Fire Island, revolving light	24	18	2,520	Revolving light	34	1	2,400
Sandy Hook, fixed light	20	18	2,520	Fixed light, illuminating 360 degrees	28	1	2,400
Sandy Hook, beacon, 3 lights	10	13	1,820	3 fixed lanterns, illuminating 360 degrees	12	4	320
Sandy Hook, fixed light	21	14	2,240	Fixed light, illuminating 360 degrees	24	2	1,600

.....	1953, 1954	1955, 1956	1957, 1958	1959, 1960	1961, 1962	1963, 1964	1965, 1966	1967, 1968	1969, 1970	1971, 1972	1973, 1974	1975, 1976	1977, 1978	1979, 1980	1981, 1982	1983, 1984	1985, 1986	1987, 1988	1989, 1990	1991, 1992	1993, 1994	1995, 1996	1997, 1998	1999, 2000	2001, 2002	2003, 2004	2005, 2006	2007, 2008	2009, 2010	2011, 2012	2013, 2014	2015, 2016	2017, 2018	2019, 2020	2021, 2022	2023, 2024	2025, 2026	2027, 2028	2029, 2030	2031, 2032	2033, 2034	2035, 2036	2037, 2038	2039, 2040	2041, 2042	2043, 2044	2045, 2046	2047, 2048	2049, 2050	2051, 2052	2053, 2054	2055, 2056	2057, 2058	2059, 2060	2061, 2062	2063, 2064	2065, 2066	2067, 2068	2069, 2070	2071, 2072	2073, 2074	2075, 2076	2077, 2078	2079, 2080	2081, 2082	2083, 2084	2085, 2086	2087, 2088	2089, 2090	2091, 2092	2093, 2094	2095, 2096	2097, 2098	2099, 2100	2101, 2102	2103, 2104	2105, 2106	2107, 2108	2109, 2110	2111, 2112	2113, 2114	2115, 2116	2117, 2118	2119, 2120	2121, 2122	2123, 2124	2125, 2126	2127, 2128	2129, 2130	2131, 2132	2133, 2134	2135, 2136	2137, 2138	2139, 2140	2141, 2142	2143, 2144	2145, 2146	2147, 2148	2149, 2150	2151, 2152	2153, 2154	2155, 2156	2157, 2158	2159, 2160	2161, 2162	2163, 2164	2165, 2166	2167, 2168	2169, 2170	2171, 2172	2173, 2174	2175, 2176	2177, 2178	2179, 2180	2181, 2182	2183, 2184	2185, 2186	2187, 2188	2189, 2190	2191, 2192	2193, 2194	2195, 2196	2197, 2198	2199, 2200	2201, 2202	2203, 2204	2205, 2206	2207, 2208	2209, 2210	2211, 2212	2213, 2214	2215, 2216	2217, 2218	2219, 2220	2221, 2222	2223, 2224	2225, 2226	2227, 2228	2229, 2230	2231, 2232	2233, 2234	2235, 2236	2237, 2238	2239, 2240	2241, 2242	2243, 2244	2245, 2246	2247, 2248	2249, 2250	2251, 2252	2253, 2254	2255, 2256	2257, 2258	2259, 2260	2261, 2262	2263, 2264	2265, 2266	2267, 2268	2269, 2270	2271, 2272	2273, 2274	2275, 2276	2277, 2278	2279, 2280	2281, 2282	2283, 2284	2285, 2286	2287, 2288	2289, 2290	2291, 2292	2293, 2294	2295, 2296	2297, 2298	2299, 2300	2301, 2302	2303, 2304	2305, 2306	2307, 2308	2309, 2310	2311, 2312	2313, 2314	2315, 2316	2317, 2318	2319, 2320	2321, 2322	2323, 2324	2325, 2326	2327, 2328	2329, 2330	2331, 2332	2333, 2334	2335, 2336	2337, 2338	2339, 2340	2341, 2342	2343, 2344	2345, 2346	2347, 2348	2349, 2350	2351, 2352	2353, 2354	2355, 2356	2357, 2358	2359, 2360	2361, 2362	2363, 2364	2365, 2366	2367, 2368	2369, 2370	2371, 2372	2373, 2374	2375, 2376	2377, 2378	2379, 2380	2381, 2382	2383, 2384	2385, 2386	2387, 2388	2389, 2390	2391, 2392	2393, 2394	2395, 2396	2397, 2398	2399, 2400	2401, 2402	2403, 2404	2405, 2406	2407, 2408	2409, 2410	2411, 2412	2413, 2414	2415, 2416	2417, 2418	2419, 2420	2421, 2422	2423, 2424	2425, 2426	2427, 2428	2429, 2430	2431, 2432	2433, 2434	2435, 2436	2437, 2438	2439, 2440	2441, 2442	2443, 2444	2445, 2446	2447, 2448	2449, 2450	2451, 2452	2453, 2454	2455, 2456	2457, 2458	2459, 2460	2461, 2462</
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• 3p indicates a light-house of the 3d order, small model.

NOTE.—The *hourly* consumption of oil by each lamp-spout is computed at 35 grammes,* assuming the lamps to be those of Argand. The number of hours during which the light-houses of France are lit up, is computed at 4,000.

°. A gramme is the unity of weight, equal to a cubic centimetre of pure water—15,444 grains, troy weight.--TRANSLATOR.

OBSERVATIONS ON THE PRECEDING TABLE.

The lenticular lanterns, indicated in the second part of the preceding table, as desirable to supply the place of an equal number of reflecting lanterns, are classed according to the *distinctive* mode adopted in France. Their range and brilliancy are generally superior to the corresponding lanterns with reflectors. Let it be observed, that in this table only four lenticular lanterns of the first order have been employed. It has been deemed superfluous to take in a greater number, considering the trifling height above the level of the sea, of those buildings on which the lanterns are placed. In France, the following elevations, above high water, have been adopted, as far as the localities permit, viz :

For the 1st order, an elevation of	-	-	- 80 to 100 metres
For the 2d order, an elevation of	-	-	- 60 to 75 metres
For the 3d order, an elevation of	-	-	- 45 to 50 metres
For 3d p order, small model, an elevation of			- 30 to 35 metres
For 4th order, fixed or revolving, an elevation of	-	-	- 18 to 25 metres

Lenticular lanterns, when sufficiently elevated, have been described in clear weather, by observers placed on culminating points of land, or by mariners from the main top of large vessels, as follows :

A lantern of the 1st order, revolving,	50 English miles.
A lantern of the 2d order, revolving,	40 English miles.
A lantern of the 3d order, fixed,	28 English miles.
A lantern of the 3d p order, with eclipses,	25 English miles.
A lantern of the 4th order, revolving,	20 English miles.
A lantern of the 4th order, fixed,	15 English miles.

From these considerations, it has been deemed advisable to employ a greater number of lenticular lanterns of the 3d and 4th orders than of those of the 1st and 2d ; these last having too expensive a range in the greater part of those cases in which the light-houses have too great proximity to each other.

HENRY LEPAUTE, No. 247, Rue St. Honoré,
Constructor of Lenticular Lanterns, at his manufactory, No. 11,
Rue de Vaugerard, Paris.

PARIS, January 30, 1840.

SIR : Since I had the honor of writing you, informing you of the shipment of the cases containing the two lenticular apparatus, of the first and second orders, ordered of me by Captain Perry, for your government, I have been occupied with a work which I have the honor of submitting to you, and relative to which, if it is not encroaching too much on your kindness, I should like to have some observations of your own.

It is a comparative table of the annual consumption of oil in the lights with reflectors on the coasts of the United States, and the consumption which would be required by lights with lenses, which are much brighter and can be seen at a greater distance.

This was suggested to me by reading the important report of Mr. Davis, in the 2d session of the 25th Congress, on the 22d of March, 1838.

This report, which demonstrates, in a clear and precise manner, the advantages of lights with lenses over those with reflectors, contains, besides, the number of lamps in each of the light-houses on the coasts of the United States.

have made use of this important information in the construction of the narrative table which I have the honor of submitting to you.

You will doubtless observe that the lights of the first class are only four in number.

The distance at which a light of the first class may be seen, requires that the building in which it is placed, should be at a great height above the surface of the sea, so as to profit by the horizon which it can light. This height should be 150 metres, and the observer should be placed at 10 metres above the same level, so as to see the light at the distance of 50 marine miles. If these conditions are not fulfilled, a light of an inferior class would be preferable, so as not to burn a certain quantity of oil, the consumption of which would be without an object.

Lights of the first class are generally only usefully placed on points which navigators first make in coming from sea, to reach the place to which they are bound. Except in such cases, lights of such brilliancy and visible at such distances, are rarely necessary.

The lights of the second class, which are eclipsed every half-minute, or 7 minutes, have a remarkable advantage, as their brilliancy, although inferior by nearly one-third to that of one of the 1st class, yet their intensity is such, that it would be impossible to obtain its equal with reflectors, except by placing a certain number in parallel directions, and consequently considerably increasing the quantity of oil.

The light given by each of the eight or ten lenses of a revolving light of second order, being 2,400 and 1,800 common lamps, and the distance at which it is visible 30 to 35 nautical miles, there would be a saving of one-third in the annual expense for oil, by using them in preference to those of the first class, in cases where these latter can possibly be dispensed with.

As to the lights of the second line, which are particularly for the coasting navigation, those of the third class should fully satisfy the wants of that navigation. The light of a revolving light, is equal to 1,000 common lamps; at a distance it is visible, 25 nautical miles, would be sufficient in most cases to show a cape, a deep bay, a dangerous reef, a road, or a place of shelter for vessels in bad weather.

The lights of the fourth class are useful in pointing out the entrance of a river, the direction of a channel, or a point extending into the sea, and, &c., &c. They are visible from 15 to 25 miles accordingly as they are fixed or revolving.

The lenticular lights of the different classes do not require lanterns of great diameter. la saillie extérieure des verres de lentilles étant.

				metre.	centimetres.
the lights of the first class	-	-	-	- 1	94
second class	-	-	-	- 1	50
third class	-	-	-	- 1	08
third class (small model)	-	-	-	- 0	45
fourth class	-	-	-	- 0	33

From these facts it appears that but few lanterns of reflecting lights are capable of receiving the lenticular apparatus.

I have the honor to be, with the most distinguished consideration, sir, your humble and obedient servant,

HENRY LEPAUTE.

W. ED. BLUNT.



IN SENATE OF THE UNITED STATES.

MAY 18, 1840.

Submitted, and ordered to be printed.

Mr. DAVIS made the following

REPORT:

On the petition of a mercantile house of Nova Scotia, the Committee on Commerce have adopted the following report, which they submit to the Senate :

The British brigantine Rob Roy sailed from a port in the Province of Nova Scotia for South America, but was wrecked in a gale of wind, and, having been abandoned, was picked up and towed into Marblehead by the John and George, of that place, and, after due legal proceeding, was sold, with her cargo, for the benefit of the salvors. The cargo was chiefly fish, and subject to a duty amounting in the aggregate to about \$1,200 ; and the petitioners pray that, in consideration of their losses, this duty may be remitted. It appears that three-fifths of the avails of sales was awarded to the salvors, and that the loss of the owners will be considerable, after receiving all insurance made upon the vessel and cargo.

The committee, under these circumstances, felt inclined to go as far as sound policy would justify in granting relief, as the Rob Roy's cargo was a kind of merchandise not designed for this market, and could not be subjected to the duty required by law, without causing a sacrifice. But, after deliberation, they have not been able to meet with any case in which this policy has been adopted, either in regard to our own or foreign vessels, when wrecked ; nor, upon general principles, are they able to perceive any good reason for the adoption of such a policy. The merchandise of wrecks stands on the same footing as all other merchandise which enters the market, being brought ordinarily into competition with that which has paid the duty. The return of the duty, under such circumstances, would be only a gratuity by the Government to indemnify the sufferers for their misfortunes. The committee do not feel inclined to go to that extent. It is true that the case of the petitioners does, in some respects, present a different aspect. Their cargo was not designed for this market, and probably could not be disposed of here without loss, as it was brought into competition with a production of our own, which had not been subjected to duty. But this circumstance does not, in the judgment of the committee, merit so much consideration as to render it expedient to modify a general policy which is now well understood, as it rests upon grounds comprehended by all. While, therefore, the sum is a small one, and the case presents some show of hardship—not in any essential particular, however, varying from other maritime losses—the committee believe the wisest

Bar & Rives, printers.

course is to adhere to the rule hitherto observed. It may be added, far as concerns the owners, it was a piece of good fortune that the b brought into the United States; for she had been abandoned to h and their loss would have been total instead of partial, if it had n for the exertions of the salvors in rescuing the property from destr The committee, therefore, recommend the passage of the followin lution :

Resolved, That it is inexpedient to grant the prayer of the petiti

REPORT

FROM

THE SECRETARY OF THE TREASURY,

IN COMPLIANCE

With a resolution of the Senate, in relation to the special deposits of the Government, and the issues of Treasury notes.

MAY 19, 1840.

Laid on the table, and ordered to be printed.

TREASURY DEPARTMENT, May 15, 1840.

SIR: This report is made in compliance with a resolution, which passed Senate on the 28th ultimo, in the following words:

Resolved, That the Secretary of the Treasury be directed to lay before Senate a statement of the names of banks in which special deposits specie were made to the credit of the Treasurer of the United States, anticipation of receiving therefor Treasury notes issued under the acts 1837, 1838, and 1839; and a monthly statement of the amount of Treasury notes delivered on account of having received certificates of such special deposits, specifying the date and amount of the first of such Treasury notes so delivered, with the rates of interest of such Treasury notes, and the names of the persons or banks to whom the same were delivered. Also, a statement of the amount remaining in each of such banks, to the credit of said Treasurer, at the date of the first of such certificates issued by such bank. And also a monthly statement of the amount of all deposits to the credit of said Treasurer in such banks, for each month during the period between the date of such first certificate and date of the payment of such Treasury notes.

Also, a monthly statement of the aggregate amount of drafts drawn against such special or other deposits, in each month during such period, stating the transactions with each bank in a separate account. And, copies of all correspondence between the department and such banks, and any person or persons, preceding and accompanying the making of such special deposits as first above named, and relating thereto, to the delivery of such Treasury notes."

These branches of inquiry are so numerous, and in some respects complicated, covering so long a period, and embracing, beside other matters, nearly the whole operations of the department under three separate acts of Congress, on the highly important subject of Treasury notes, that the delay has been indispensable in furnishing all the explanations de-

A. Rives, printers.

sired. But I have endeavored to collect and present the whole circumstances, and documents required. A few others are added which appeared likely to throw light on some of the inquiries.

The information requested in the first part of the resolution is "a statement of the names of banks in which special deposits in specie were made to the credit of the Treasurer of the United States, in anticipation of receiving therefor Treasury notes issued under the acts of 1825 and 1839." Such a statement I have had prepared in the Treasury office, and the names of all those banks may be seen in the document annexed, A and B.

The second branch of the resolution calls for "a monthly statement of the amount of Treasury notes delivered on account of having certificates of such special deposits."

In order to ascertain this, it was necessary to give the issue in each particular case, during the whole period, and then present a separate statement of the amount monthly. This has been done in two columns in tables A and B.

It will be observed, that the greatest amounts of deposits have been made in banks in the city of New York. This has happened in consequence of its being the place most convenient for public creditors to receive payments, and the place where most of the exchange of cash for notes, whether made by individuals or banks, were offered.

The third direction in the resolution is to specify "the date and amount of the first of such Treasury notes so delivered, with the rates of interest of such Treasury notes, and the names of the persons or banks to whom the same were delivered."

This has been done accordingly, and is annexed in document D.

For further illustration of this point, I have submitted several extracts from a letter written in February last, in reply to an inquiry by the honorable G. Evans, one of the Committee of Ways and Means in the House of Representatives. See document C.

They show the amount of Treasury notes issued quarterly, and the several rates of interest they bear; also, the amount redeemed quarterly, and the aggregate of the emission made under each act of Congress, and the aggregate of notes of each emission, which had been redeemed January 1, 1840, and at the date of the letter.

In the next place, the resolution presents a topic of inquiry so different, and requests "a statement of the amount remaining in such banks, to the credit of said Treasurer, at the date of the first certificates issued by such bank." This is given in one of the columns of table B.

It may be remarked here, that the amount in the Treasury at the time of the first certificates issued, included trust-funds, which often exceed half a million of dollars besides them, funds to aid in meeting constant as well as unusual calls, to discharge the appropriations of Congress; which calls in the last three years have, on an average, been from two to three millions of dollars monthly.

By the recapitulation of the aggregates in the close of table B it may be seen that at the time when these deposits commenced in those banks there was but \$113,966 public money in them all; not being enough to answer three or four hundred thousand dollars to answer the first object of the resolution.

the fifth requirement in the resolution is for "a monthly statement of amount of all other deposits to the credit of said Treasurer in such month, for each month, during the period between the date of such first certificate and the date of the payment of such Treasury notes." At the time of the resolution such payment had not been made of about one million and one fourth of the Treasury notes issued, and hence it was impossible to comply with a part of this requirement.

But the Treasurer has given the monthly amount of deposits in such month, from the date of the first certificate down to the period of his resignation, which of course covers all the time mentioned, that was practicable; the result may be found in the document annexed (B.)

Under this portion of the call, it deserves notice, that the items of which the aggregate of deposits in each bank is composed are usually various, besides the proceeds of Treasury notes, originate from uncertain and distant sources, whose amount and time of payment into the Treasury cannot be foreseen or estimated with any accuracy. They are such as inheritances, trusts, and old debts due from banks and individuals, as well as from ordinary sources of a more certain though still fluctuating character, such as customs and lands, as well as transfers from other departments.

Their whole aggregate, monthly, has not only varied largely, from the instance just suggested, but the addition made to them monthly, by the proceeds of Treasury notes exchanged, has of necessity varied much with the different calls likely to be made on the Treasury, as well to meet fluctuating current expenditures, as to meet other Treasury notes falling due. Those last in some months have been from two to four millions of dollars, and in others little or nothing.

The sixth call in the resolution is for "a monthly statement of the aggregate amount of drafts drawn against such special or other deposits, in each month, during such period, stating the transactions with each bank on a separate account."

In answer to this and the preceding call has been rendered necessary a full abstract of most of the important bank accounts of the Treasurer, for a period of two or three years. And the details desired as to this are exhibited in another of the columns of table B. The whole amount of these drafts has been \$18,475,425, while the whole deposits of money and change for Treasury notes have been only \$7,778,924.

The remainder has been paid by means derived from the other various sources before alluded to, commencing in 1837, when all those banks together held but \$113,996 of public money, and terminating on the 9th of June, 1846, when they held only \$584,623, derived from all quarters. It will be seen that the amount drawn monthly has been very fluctuating, as it has depended not only on the fluctuating aggregate of expenses over the whole Union in different months, varying at times more than two millions of dollars, but on the uncertain amount of Treasury notes either falling due monthly, or offered monthly at the custom-houses and land offices. The last have been in some months nearly four millions, and in some a quarter of a million. It has depended, also, on the amount of the means of making public payments accruing in the hands of collectors, since, under the present imperfect laws, it has generally been deemed more safe and convenient first to use and exhaust those means; and accordingly has been done by drafts drawn directly on those offices, before resorting to the deposits in banks.

The seventh and last requirement in the resolution is for "copies of all correspondence between the department and such banks, and any persons or persons, preceding and accompanying the making such special deposits as first above named, and relating thereto, on the delivery of such Treasury notes." From the length of time covered by this call, from the sums received in exchange, (though in many cases small, yet being in the aggregate nearly seven and a half millions of dollars,) and from the large number of persons and banks taking the notes, this correspondence has been very extensive. But I have endeavored to furnish a copy of all the letters required. Many of them are unimportant in their details, but, under the comprehensive and explicit character of this part of the resolution, I did not feel justified in omitting any which related to the notes actually delivered in exchange for special deposits of money.

Some of them contain other matter not pertinent; but for the same reason, and to avoid misconstruction if extracts only were given, they have in all cases been communicated entire. Sometimes the issues were made on applications in person, without any letter; and sometimes no answers were returned to them, except by forwarding the notes. The correspondence, of course, develops generally the terms on which the issues in exchange for money were made. But the reasons for adopting various rates of interest, and for issuing amounts so different in different periods, as well as for not accepting at times several conditions proposed, not fully appearing in the correspondence, and being necessary to a correct understanding of parts of the tables, statements, and letters submitted in reply to the resolution, I shall take the liberty, in closing this report, to advert to a few of them.

It will be recollected that, soon after the close of the session of Congress in March, 1837, the banks, which had been employed by law as depositories of the public money, and which held within their control the pecuniary means of the Government to the extent of more than twenty millions of dollars, refused at once to pay the necessary expenses of the public establishments, as well as to redeem the public faith, by meeting just claims upon them in a lawful currency. Gold and silver were generally expelled from circulation as money; and the debtors of the Government found it impossible, except at great sacrifices, to meet their bonds and other liabilities in the only medium of payment authorized by the revenue laws, and recognised by the constitution. An extra session of Congress was called for the purpose, among other things, of providing for the public service, amidst the embarrassments into which the finances of the country were thus suddenly plunged.

To give delay to the banks and the merchants in fulfilling their liabilities to the Government, and at the same time to furnish means instead of them for meeting the public exigencies, the temporary issue of Treasury notes, to an amount not exceeding ten millions of dollars, was authorized by the act of the 12th of October, 1837. Immediately on the passage of that law, this department publicly advertised for tenders for the exchange of these notes for specie, at any rate of interest permitted by its provisions; but, for several months, no exchanges to any considerable amount were proposed. Various offers for effecting the sale of notes on public account at the best price obtainable, were made, all of which were declined; and as no notes were issued in consequence of this correspondence, it is

mitted under the present call. The chief difficulty under which the immunity then appeared to labor, so far as relates to the operations of the department, was the want of a medium of payment for duties and public lands. Treasury notes were much sought after for such purposes, as well as to be used occasionally in ordinary business. The public claimants, therefore, were, for their own convenience, often desirous to obtain them, bearing no interest; and, for the purposes before mentioned, they were generally at par without regard to interest. But, as the law required the notes should carry some interest, the low rate of one mill was at first put on a part of them, and of two per cent. on others.

About a million and three-quarters were issued at the first rate to public creditors, and such persons as preferred them, and about two and three-quarters at the other rate. All these (it will be seen by table C) were, with the exception of thirteen thousand dollars, emitted within six months, and before the banks resumed specie payments in 1838. During that period, only sixteen thousand dollars were issued bearing six per cent., and only three millions at five per cent. These were issued to such credit-ors as were unwilling to take the others at par in payment. The exact proportion of each emission which was issued on certificates of deposit, and the rate of interest the notes bore, may be seen not only in A, but in the statement submitted to the Senate March 25, 1840, a copy of which is, for the convenience of reference on other accounts, added here. (D.)

It is there shown that none of the issues under the authority of the original law of the 12th of October, 1837, were exchanged for cash, extending about one hundred and ninety thousand dollars. But when the banks resumed specie payments upon their liabilities, as most of them throughout a large section of the Union did, in May, 1838, there was less demand for Treasury notes to effect payments on public account. Gold and silver again became attainable by persons entitled to cash; public claimants, when desiring them, wished for such only as might be profitably employed in short investments, on account of the rate of interest. It therefore became necessary that all the issues under the first act, which were made in the second and third quarters of 1838, as well as those under the new act of May 21, 1838, should bear a rate of interest sufficiently high to keep them at par for investment; this was five and six per cent.

Nearly a million and one-third were issued at the former rate; and when that did not appear to keep them at par in the market, at all places, the residue of nearly seven millions was issued at six per cent. Besides delivering some of these to public creditors, it was deemed proper to exchange many of them for specie, and make payments in that currency. Remittances to public officers, drafts for money were often found to be more convenient for disbursement than Treasury notes bearing even a small interest. Individual claimants, also, occasionally preferred the cash. Besides these considerations, it was supposed that the value of the Treasury notes would be better preserved, if generally held as investments, and if put in circulation, and frequently brought into the market for sale by the holders of them; and the disbursement of money instead of Treasury notes was, in many cases, regarded as conducive to a restoration of specie payments by the banks (L 1 and I 6.) The department accordingly limited it at the same interest in exchange for notes, under the second act, to the extent of nearly four millions, and, from time to time, paid it to claimants instead of notes.

When the third act passed, in March, 1839, a similar course was pursued as to the interest upon the notes issued under it, and, the scarcity of money having much increased, none could then be obtained with notes bearing a less rate than six per cent. (I 3 and 5, and F 4.) Indeed, had the contracts for the exchange of the notes not been made in the first half of the year, it is very questionable whether the money could, in 1839, have been procured on them at all, within the rate of interest limited by the act of Congress. It will thus be seen that the rate of interest has, from time to time, been changed so as to accommodate the state of the money market and the condition of the currency, as well as to sustain public credit. But it has never been raised until rendered necessary to preserve the value of the notes at par in all places, or obtain money upon them at par. The average rate of interest agreed to be paid on the whole, considering the amount emitted at each rate, will somewhat exceed five per cent. The actual average rate paid and to be paid on these issues, considering how long many of the notes (and especially those which bore a small interest) will be out after due, must, doubtless, fall short of five per cent. on the whole during the time they may be outstanding. Again: it is to be considered that nearly one and a half million of the notes issued in 1837 have been voluntarily redeemed, and the interest stopped before due, under a collateral agreement made at the time of their issue, (see letters L 22 and others,) and that all the notes have been issued in various amounts and at different times, as the public claims were presented, or money was likely to be soon needed to meet those claims, (letter L 26, and table C.) Under these circumstances, the whole interest paid will not, probably, exceed what would have been four per cent. on the whole amount, provided the notes had been issued immediately after the passage of each act, (as is general with scrip for ordinary loans,) to the full extent which has happened, and no voluntary redemption of any of them had taken place until they fell due and were presented.

The expenses of the plate, paper, &c., in issuing Treasury notes, have not been computed in connexion with the interest; because, as no commissions or brokerage have been paid, the whole expenses have, unquestionably, been much less than the expenses attending a loan in the usual form, with the usual commissions allowed for making it.

In relation to the length of time in making the various issues, and to the unequal amounts emitted in different months and quarters since 1837, it will be seen by tables B and C that they have vibrated with the fluctuating receipts from other sources, and with the fluctuating demands on the Treasury for current expenses, and for the redemption of other notes due or about to be due. Thus the department was nearly a year and one-fourth in issuing those authorized by the first act, and three-fourths of a year under the second act, and all the time allowed by law under the third act. So in respect to the amounts issued; they have in some quarters of the year been nothing, and in others as low as four-fifths of a million; while in others they have been as high as about three millions, four millions and a half, and, in one, seven millions and a half.

It happened that in the last quarter of 1837 the issues were nearly three millions, in consequence, chiefly, of the postponement by Congress of the receipts from merchants' bonds for duties and of the debts due from banks, both of which rendered unavoidable a large emission of notes to defray the current expenses.

In the first and second quarters of 1838, the same causes, in connexion with large new appropriations, and especially the expensive arrears of the Florida war, required the greater issues then made. The sale of the stock of the United States Bank, in August of that year, and the payment of another due in October, rendered unnecessary many subsequent issues the remainder of 1838. Accordingly, by the correspondence connected with this subject, it will be seen that in September, 1838, (L 8,) offers of money for further issues, to a large amount, were declined by the department. So again in December, other offers were declined, (L 9,) unless the money was applied in the redemption of notes already out. (See further, K 8, and H 2.)

An express agreement was also required, permitting the new notes to be redeemed before falling due, if the department should happen to have on hand sufficient specie funds. One leading object was to stop interest on them, if possible, previous to the end of the year allowed for their redemption; and any agreement to keep them out, and pay interest on them after they were due, was not considered proper, without new legislation to that effect by Congress, (L 21.)

In 1839, the issues in the first quarter of about two millions, and in the second of about one million and three-fourths, were all which occurred that year. They were made to aid in discharging current expenditures, and to redeem, and be in readiness to redeem, large amounts of former Treasury notes. (Letters L 26, R 2, L 32 & 20, M 2 & 25 & 7.) When the issues commenced under the act of March, 1839, between one and a half and two millions of former notes were out, which had become due; and the amount of those outstanding, which were then due and were falling due in the next quarter, is computed to have been more than three times as large as all the issues made in that quarter, and, indeed, to have exceeded, by near two millions, all the issues made at any time under that act.

It has, however, in point of fact, happened that the notes proved so inconvenient to the community in making large payments and distant remittances, not only during the first suspension of specie payments, but when the second one approached, that the aggregate of more than a million, and chiefly those bearing a rate of interest less than six per cent., though due before the 1st of July, 1839, were not by that day presented for redemption and the money demanded, which the department was obliged to keep in readiness to meet them. Over half a million of those which had fallen due before the 1st of October also remained out at that date, and nearly one quarter of a million of that description are out at the present moment.

In conclusion, it may be observed, in the correspondence generally, (see letters I 13, R 2, F 6,) that the department always declined to issue notes in exchange, till a certificate of a special deposit of the money to the credit of the Treasurer was made and forwarded; (see letters I 3, 4, 7; E 2, 4, 10;) and that it declined either to employ agents, or pay commissions for making exchanges of notes, or to deliver them, either for par or for any currency except specie and its equivalent.

Respectfully,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. R. M. JOHNSON,
President of the Senate.

List of documents appended to the report of the Secretary of the Treasury, explaining the issues of Treasury notes.

Statement showing the names of banks wherein cash has been specially deposited in exchange for Treasury notes, and the names of the individuals to whom such notes were issued, with the rate of interest: marked A.

Statement of amounts of public money specially deposited in those banks at the time of such exchanges, and afterwards, and of the monthly amount of the Treasurer's drafts upon them: marked B.

Statement of the issue of Treasury notes, and the rate of interest thereon under each act of Congress; showing, also, the redemption of the same during each quarter, from October, 1837, to 1840: marked C.

Statement of Treasury notes issued in payment of warrants, and in exchange for cash, with the rates of interest borne by each respectively: marked D.

Correspondence with John Barney, of Baltimore, on the exchange of Treasury notes for cash: E 1 to 11.

Correspondence with J. D. Beers and A. Belmont, of New York, on the exchange of Treasury notes for cash: F 1 to 6.

Correspondence with W. C. Dawson on the exchange of Treasury notes: G 1 to 5.

Correspondence with Abbott Lawrence, of Boston, on the exchange of Treasury notes for cash: H 1 to 11.

Correspondence with Prime, Ward, & King, of New York, on the exchange of Treasury notes for cash: I 1 to 19.

Correspondence with various other persons on the same subject: J 1 to 14.

Correspondence with the Bank of America, New York, on the same subject: L 1 to 46.

Correspondence with the Commercial Bank, Portsmouth, New Hampshire, on the same subject: M 1 to 3.

Correspondence with the Franklin Bank, Baltimore, on the same subject: N 1 to 5.

Correspondence with the Phoenix Bank, Hartford, Connecticut, on the same subject: O 1 to 6.

Correspondence with the Piscataqua Bank, Portsmouth, New Hampshire, on the same subject: P 1 to 4.

Correspondence with the Manhattan Company, New York, on the same subject: Q 1 to 8.

Correspondence with the Merchants' Bank, Boston, on the same subject: R 1 to 10.

Correspondence with the Bank of Virginia, Richmond, on the same subject: S 1 to 6.

A.

Statement of Treasury notes issued "in exchange for specie," deposited in sundry banks to the credit of the Treasurer of the United States, with the names of the individuals to whom issued, and the rate of interest.

of no.	Where deposited.	In whose name issued.	Rate of inter- est per cent.	Amount deposited.	Monthly aggregate.
187. 30	Bank of the Metropolis, Washington, D. C.	F. E. Rives -	2	-	\$500 00
28	Do. do.	John Miller -	2	-	1,000 00
38. 22	Do. do.	W. W. Corcoran -	6	-	5,000 00
7	Do. do.	J. F. H. Claiborne -	6	\$950 00	
23	Do. do.	W. C. Dawson -	5	1,200 00	2,150 00
15	Do. do.	Charles J. Nourse -	6	-	1,750 00
5	Do. do.	W. W. Corcoran -	6	6,000 00	
18	Do. do.	Charles J. Nourse -	6	500 00	6,500 00
8	Do. do.	James Riordan -	6	2,000 00	
29	Do. do.	Isaac G. Hutton -	6	200 00	2,200 00
11	Do. do.	Charles J. Nourse -	6	1,000 00	
19	Do. do.	Do. -	6	4,000 00	5,000 00
2	Do. do.	James Riordan -	6	2,000 00	
3	Do. do.	Do. -	6	600 00	
5	Do. do.	W. W. Corcoran -	6	1,500 00	
6	Do. do.	Charles J. Nourse -	6	263 36	
7	Do. do.	W. W. Corcoran -	6	2,000 00	
20	Do. do.	W. S. Nicholls -	6	1,500 00	
20	Do. do.	F. S. Lyon -	6	2,000 00	9,863 36
1	Do. do.	W. W. Corcoran -	6	-	10,000 00
129. 15	Do. do.	Simeon North -	6	290 08	-
16	Do. do.	James Riordan -	6	1,200 00	
23	Do. do.	H. Jackson, for W. Grin- dage.	6	1,413 00	
26	Do. do.	W. W. Corcoran -	6	50,000 00	
29	Do. do.	Do. -	6	20,000 00	72,903 08
15	Do. do.	Do. -	6	-	10,000 00
					126,866 44
138. 16	Union Bank of Louis- iana, New Orleans.	J. Cowperthwait for Uni- ted States Bank.	6	-	100,000 00

A—Continued.

Date of issue.	Where deposited.	In whose name issued.	Rate of interest per cent.	Amount deposited.	Mo aggr
1837. Dec. 16	Manhattan Company, New York.	David S. Lyon -	6	\$500 00	
1838. Jan. 9	Do. do.	Arthur Stewart -	6	6,700 00	87.8
April 23	Do. do.	George C. Read -	6	-	1.4
June 18	Do. do.	John Barney & Son -	6	-	1.2
1839. Jan. 9	Do. do.	Thomas Chapman, by Prime, Ward, & King.	6	50,000 00	
April 23	Do. do.	Robert White -	6	300,000 00	
June 18	Do. do.	John C. White -	6	900,000 00	
1840. Mar. 6	Do. do.	Robert White, cashier -	6	-	69.8
1841. Jan. 26	Bank of America, New York.	David S. Lyon -	6	-	1,000.0
April 26	Do. do.	Prime, Ward, & King -	6	-	1,500.0
May 19	Do. do.	D. Thompson, cashier -	6	50,000 00	
23	Do. do.	Do. -	6	500,000 00	550.1
June 1	Do. do.	August Belmont -	6	150,000 00	
2	Do. do.	D. Thompson, cashier -	6	300,000 00	
2	Do. do.	Prime, Ward, & King -	6	1,000,000 00	
20	Do. do.	John Barney & Son -	6	1,225 00	
21	Do. do.	D. Thompson, cashier -	6	250,000 00	
21	Do. do.	Prime, Ward, & King -	6	250,000 00	
22	Do. do.	William Gunton -	6	150,000 00	
23	Do. do.	Do. -	6	43,342 84	2,140.1
July 7	Do. do.	W. G. Williams -	6	2,000 00	
23	Do. do.	Prime, Ward, & King -	6	100,000 00	100.1
Aug. 1	Do. do.	August Belmont -	6	100,000 00	
4	Do. do.	Prime, Ward, & King -	6	900,000 00	200.1
1839. Mar. 13	Do. do.	D. Thompson, cashier -	6	-	471.4
May 17	Do. do.	Do. -	6	-	1,000.0
June 18	Do. do.	Do. -	6	-	100.1
					5,121.2

A—Continued.

of e.	Where deposited.	In whose name issued.	Rate of inter- est per cent.	Amount deposited.	Monthly aggregate.
25	Merchants' Bank, Bos- ton.	Abbott Lawrence -	6	-	\$100,000 00
4	Do. do.	F. Haven -	6	\$200,000 00	
7	Do. do.	Abbott Lawrence -	6	100,000 00	300,000 00
					400,000 00
13	Franklin Bank, Balti- more.	John Barney -	6	6,400 00	
20	Do. do.	Do. -	6	3,485 00	9,885 00
6	Do. do.	James Howard -	6	-	50,000 00
31	Do. do.	W. W. Corcoran -	6	-	30,000 00
11	Do. do.	Do. -	6	20,000 00	
21	Do. do.	Do. -	6	20,000 00	
24	Do. do.	Do. -	6	50,000 00	90,000 00
					179,885 00
10	Mechanics & Farmers' Bank, Albany, N. Y.	A. C. Flagg -	6	-	4,000 00
6	Do. do.	T. W. Olcott, president	6	-	150,000 00
					154,000 00
2	Piscataqua B'k, Ports- mouth, N. H.	Samuel Lord -	6	30,000 00	
25	Do. do.	Do. -	6	25,000 00	55,000 00
8	Do. do.	Do. -	6	-	20,000 00
					75,000 00
8	Commercial Bank, Portsmouth, N. H.	G. Melcher, jr., cashier	6	-	20,000 00
12	Bank of Virginia, Richmond, Virginia	A. Robinson, jr., cashier	6	-	50,000 00

TREASURER'S OFFICE,
Washington, May 9, 1840.

WILLIAM SELDEN,
Treasurer United States.

II.

Statement showing the "balance at the credit of the Treasurer of the United States," in sundry banks wherein special deposits of specie were in exchange for Treasury notes, "commencing with the date of the deposit;" also, a monthly aggregate amount of "deposits in exchange for Treasury notes;" as also a monthly aggregate of "all other deposits in said banks, together with a monthly aggregate of "drafts against said special deposits," continued until the accounts in banks were closed, or to the 31st of March, 1840.

COMMERCIAL BANK, PORTSMOUTH, NEW HAMPSHIRE.

Date of first deposit in exchange for Treasury notes.	Balance at credit of the Treasurer of the United States at date of first deposit.	Monthly aggregate amount of deposits in exchange for Treasury notes.	Monthly aggregate amount of all other deposits.	Total monthly amt at the credit of the Treasurer.	Monthly aggregate amount of drafts drawn against spec.
1839.					
March 8	-	\$20,000 00	-	\$20,000 0	\$11,000 00
April	-	-	-	-	-
May	-	-	-	-	-
June	-	-	-	-	-
July	-	-	\$30 00	30 00	-
August	-	-	-	-	-
September	-	-	90 00	90 00	-
October	-	-	-	-	-
November	-	-	1,172 46	1,172 46	1,000 00
December	-	-	180 02	180 02	-
1840.					
January	-	-	-	-	-
February	-	-	1,142 00	1,142 00	-
March	-	-	-	-	-
		20,000 00	2,544 49	22,544 48	11,000 00

UNION BANK OF LOUISIANA, NEW ORLEANS.

1839.					
June 16	\$2,842 79	\$100,000 00	\$15,071 12	\$117,913 91	\$117,913 91
July	-	-	1,280 54	1,280 54	-
August	-	-	-	-	-
	2,842 79	100,000 00	16,351 66	119,194 45	119,194 45

B—Continued.

PISCATAQUA BANK, PORTSMOUTH, NEW HAMPSHIRE.

Account number	Balance at the credit of the Treasurer of the United States at date of first deposit.	Monthly aggregate amount of deposits in exchange for Treasury notes.	Monthly aggregate amount of all other deposits.	Total monthly amt at the credit of the Treasurer.	Monthly aggregate amount of drafts drawn against special deposits.
2		\$55,000 00		\$55,000 00	\$13,897 48
					6,070 08
		90,000 00		90,000 00	94,675 99
					4,650 95
					9,711 32
					91,258 69
					100 00
					1,836 57
		75,000 00		75,000 00	75,000 00

MERCHANTS' BANK, BOSTON, MASSACHUSETTS.

96	\$3,232 66	\$100,000 00	\$60 00	\$103,292 56	\$955 68
			66 50	66 50	1,951 84
			16,456 91	16,456 91	27,398 04
			1,709 70	1,709 70	2,772 15
			7,989 81	7,989 81	4,818 58
			90,805 58	90,805 58	108,354 34
		300,000 00	150,644 10	450,644 10	190,977 66
			39,873 82	39,873 82	153,601 06
			18,543 47	18,543 47	141,650 66
			13,015 96	13,015 96	53,706 43
			11,390 38	11,390 38	33,203 49
			4,287 92	4,287 92	452 90
			104,430 97	104,430 97	37,340 99
			33,957 19	33,957 19	79,669 53
			109,657 78	109,657 78	3,268 54
			141,606 00	141,606 00	138,035 08
			3,467 63	3,467 63	168,300 40
			132,437 83	132,437 83	75,789 92
			85,272 98	85,272 98	56,972 32
	3,232 66	400,000 00	965,674 53	1,368,907 09	1,287,803 98

B—Continued.

MANHATTAN COMPANY, NEW YORK.

Date of first deposit in exchange for Treasury notes.	Balance at credit of the Treasurer of the United States at date of first depos- ite.	Monthly aggregate amount of depos- ites in exchange for Treasury notes.	Monthly aggregate amount of all other deposits.	Total monthly amt at credit of the Treasurer.	Monthly aggregate amount of drafts drawn against spe- cial deposits.
1837. December 16 11	-	\$7,200 00	-	\$7,200 00	82,200 00
January	-	1,400 00	\$3,130 00	4,530 00	1,400 00
February	-	-	10,019 00	10,019 00	1,400 00
March	-	-	50,020 00	50,020 00	1,400 00
April	-	1,200 00	15 00	1,215 00	1,400 00
May	-	-	-	-	-
June	-	550,000 00	137,484 54	687,484 54	107,200 00
July	-	-	152,801 69	152,801 69	45,000 00
August	-	-	4,997 42	4,997 42	39,000 00
September	-	-	778 89	778 89	75,000 00
October	-	-	110 00	110 00	2,000 00
November	-	-	12,331 87	12,331 87	0 00
December 11	-	-	1,295 52	1,295 52	5,000 00
January	-	-	5,105 00	5,105 00	68,000 00
February	-	-	3,050 00	3,050 00	96,000 00
March	-	1,000,000 00	74,985 86	1,074,985 86	315,000 00
April	-	-	43,302 08	43,302 08	162,000 00
May	-	-	50,575 00	50,575 00	194,000 00
June	-	-	60,426 26	60,426 26	49,000 00
July	-	-	80 00	80 00	96,000 00
August	-	-	1,548 22	1,548 22	12,000 00
September	-	-	100,071 37	100,071 37	0 00
October	-	-	180,572 50	180,572 50	12,000 00
November	-	-	1,638 15	1,638 15	41,000 00
December	-	-	231,070 00	231,070 00	50,000 00
1840. January	-	-	23,963 04	23,963 04	913,000 00
February	-	-	90 00	90 00	100,000 00
March	-	-	43 60	43 60	141,000 00
		1,559,800 00	1,143,505 01	2,709,305 01	2,709,305 01

B—Continued.

BANK OF AMERICA, NEW YORK.

Treasury notes.	Balance at credit of the Treasurer of the United States at date of first deposit.	Monthly aggregate amount of deposits in exchange for Treasury notes.	Monthly aggregate amount of all other deposits.	Total monthly amount at credit of the Treasurer.	Monthly aggregate amount of drafts drawn against special deposits.
26	\$87,810 63	\$750 00	\$60,671 92	\$88,560 63	\$2,900 0
			228,880 42	60,671 92	55,489 2
		100,000 00	1,518 15	228,880 42	285,329 6
		550,000 00	12,589 30	101,518 15	25,772 6
		2,144,607 84	15,587 17	562,589 30	906,519 9
		102,000 00	100,960 00	2,160,205 01	1,584,557 4
		300,000 00	17,242 80	202,260 00	767,566 0
			4,133 04	317,942 80	243,380 2
			60 00	4,133 04	177,531 0
			551,929 00	60 00	1,932 5
			220,545 00	551,929 00	511,500 2
			5,960 63	220,545 00	78,910 0
			647,943 15	5,960 63	65,339 7
		471,015 00	302,508 50	647,943 15	473,626 2
		1,250,000 00	476,553 58	773,523 50	889,710 6
		195,000 00	581,867 80	476,553 58	98,297 0
			1,113,717 21	1,831,867 80	1,460,900 2
			355,568 00	1,308,717 21	1,064,077 4
			717,927 53	355,568 00	455,749 7
			150,915 63	717,927 53	485,931 6
			400,170 00	150,915 63	310,997 2
			358,816 00	400,170 00	240,351 6
			176,778 40	358,816 00	324,665 4
			214,892 45	176,778 40	614,545 5
			500,803 26	214,892 45	689,535 9
			445,962 91	500,803 26	476,268 9
				445,962 91	786,172 2
	87,810 63	5,113,372 84	7,673,001 85	12,874,185 32	12,376,231 7

B—Continued.

FRANKLIN BANK OF BALTIMORE, MARYLAND.

Date of first deposit in exchange for Treasury notes.	Balance at credit of the Treasurer of the United States at the date of the first deposit.	Monthly aggregate amount of depos- ites in exchange for Treasury notes.	Monthly aggregate amount of all other deposits.	Total monthly amt at the credit of the Treasurer.	Monthly aggregate amount of drafts
1838.					
April 13	\$1 23	59,885 00	9813 67	\$10,099 90	
May	"	"	15,000 00	15,000 00	
June	"	"	12,021 00	12,021 00	
July	"	"	10,000 00	10,000 00	
August	"	"	4,365 59	4,365 59	
September	"	"	1,766 00	1,766 00	
October	"	"	"	"	
November	"	"	400 59	400 59	
December	"	"	1,567 19	1,567 19	
1839.					
January	"	"	90,018 85	90,018 85	14,
February	"	"	1,534 68	1,534 68	
March	"	50,000 00	67,311 39	117,311 39	65,
April	"	"	891 65	891 65	20,
May	"	30,000 00	1,609 25	31,609 25	
June	"	90,000 00	300,030 00	390,030 00	130,
July	"	"	"	"	165,
August	"	"	250 00	250 00	2,
September	"	"	61,694 20	61,694 20	6,
October	"	"	8,964 88	8,964 88	
November	"	"	"	"	
December	"	"	51,682 65	51,682 65	10,
1840.					
January	"	"	19,140 00	19,140 00	2,
February	"	"	50 00	50 00	15,
March	"	"	218 00	218 00	
	1 23	179,885 00	578,729 59	769,615 82	707,

B—Continued.

BANK OF THE METROPOLIS, WASHINGTON, D. C.

Treasury notes.	Balance at credit of the Treasurer of the United States at the date of the first deposit.	Monthly aggregate amount of deposits in exchange for Treasury notes.	Monthly aggregate amount of all other deposits.	Total monthly amt at the credit of the Treasurer.	Monthly aggregate amount of drafts drawn against special deposits.
19	\$20,063 51	\$1,500 00	\$1,118 92	\$22,682 43	
			1,983 12	1,983 12	40 00
			13,496 60	13,496 60	3,920 71
		5,000 00	2,600 16	7,600 16	2,600 00
		2,150 00	14,239 37	16,379 37	479 73
		1,750 00	4,290 53	6,040 53	560 00
		8,500 00	3,120 92	9,620 92	44,454 00
		2,200 00	5,362 76	7,562 76	14,378 55
		5,000 00	3,881 94	8,881 94	14,904 85
		9,863 36	3,820 14	13,683 50	9,849 89
		10,000 00	29,762 43	49,762 43	18,905 06
			3,534 20	3,534 20	98,034 90
			16,021 49	16,021 49	13,825 22
			7,228 20	7,228 20	1,704 05
			150,809 06	150,809 06	24,578 23
			62,471 91	62,471 91	126,302 20
			81,481 19	81,481 19	17,240 05
			57,801 78	57,801 78	177,809 00
			99,078 60	99,078 60	111,316 40
		72,903 08	33,531 29	106,434 37	98,225 07
		10,000 00	61,984 98	61,984 98	52,064 11
			42,603 05	42,603 05	68,191 22
			4,353 06	4,353 06	12,062 53
			14,283 05	14,283 05	5,562 26
			19,178 31	19,178 31	31,892 55
			8,092 27	8,092 27	2,802 28
			2,344 93	2,344 93	6,814 51
			5,639 70	5,639 70	13,558 66
			11,435 07	11,435 07	14,116 31
			3,300 70	3,300 70	8,649 41
	20,063 51	126,866 44	768,841 83	915,771 78	911,940 80

B—Continued.

MECHANICS AND FARMERS' BANK, ALBANY, NEW YORK.

Dats of first deposits in exchange for Treasury notes.	Balance at the credit of the Treasurer of the United States at date of first depos- ite.	Monthly aggregate amount of deposits in exchange for Treasury notes.	Monthly aggregate amount of all other deposits.	Total monthly am't at the credit of the Treasurer.	Monthly aggregate amount of drafts drawn against spe- cial deposits.
1838.					
July 11	\$30 00	\$4,000 00	\$40 00	\$4,070 00	\$4,070 00
August	-	-	15 00	15 00	15 00
September	-	-	-	-	-
October	-	-	-	-	-
November	-	-	4,845 40	4,845 40	4,845 40
December	-	-	2,622 41	2,622 41	2,622 41
1839.					
January	-	-	1,056 00	1,056 00	1,056 00
February	-	-	254 90	254 90	254 90
March	-	150,000 00	-	150,000 00	150,000 00
April	-	-	-	-	-
May	-	-	-	-	-
June	-	-	10 00	10 00	10 00
July	-	-	-	-	-
August	-	-	49 89	49 89	49 89
September	-	-	-	-	-
October	-	-	30 00	30 00	30 00
November	-	-	-	-	-
December	-	-	-	-	-
	30 00	154,000 00	8,922 90	162,952 90	162,952 90

BANK OF VIRGINIA, RICHMOND, VIRGINIA.

1839.					
March 12	16 08	50,000 00	47 92	50,063 30	50,063 30
April	-	-	-	-	-
May	-	-	2,330 66	2,330 66	2,330 66
June	-	-	1,058 95	1,058 95	1,058 95
July	-	-	38 05	38 05	38 05
August	-	-	80 38	80 38	80 38
September	-	-	-	-	-
	16 08	50,000 00	3,656 26	53,571 34	53,571 34

Names of banks.	States at date of first deposit for Treasury notes.	change for Treasury notes.	ites.		against special deposits.
Commercial Bank, Portsmouth, New Hampshire	-	\$20,000 00	\$2,544 48	\$22,544 48	\$22,508 86
Union Bank, New Orleans, Louisiana	-	100,000 00	16,351 66	119,194 45	119,194 45
Piscataqua Bank, Portsmouth, New Hampshire	-	75,000 00	-	75,000 00	75,000 00
Merchants' Bank, Boston, Massachusetts	-	400,000 00	965,674 53	1,368,907 09	1,287,603 99
Manhattan Company, New York	-	1,559,800 00	1,149,505 01	2,709,305 01	2,709,241 41
Bank of America, New York	-	5,113,372 84	7,673,001 85	12,874,185 32	12,376,231 77
Franklin Bank, Baltimore, Maryland	-	179,885 00	578,729 59	758,615 89	757,664 63
Bank of the Metropolis, Washington, District of Columbia	-	126,866 44	768,841 83	915,771 78	911,240 88
Mechanics and Farmers' Bank, Albany, New York	-	154,000 00	8,922 90	162,952 90	162,948 78
Bank of Virginia, Richmond, Virginia	-	50,000 00	3,555 26	53,571 34	53,570 80
	113,996 80	7,778,924 28	11,167,127 11	19,060,048 19	18,475,425 56

TREASURER'S OFFICE, Washington, May 9, 1840.

WM. SELDEN,
Treasurer of the United States.

Statement of the amount of Treasury notes issued quarterly, bearing the several rates of interest.

	At six per cent. in- terest per annum.	At five per cent. in- terest per annum.	At two per cent. in- terest per annum.	At one mill per an- num.	Total.
Fourth quarter of 1837	\$7,200 00	—	\$2,272,304 67	\$713,484 48	\$2,992,989 15
First quarter of 1838	9,850 00	\$2,909,573 03	512,540 06	1,042,397 48	4,474,360 57
Second quarter of 1838	6,065,963 84	1,370,700 69	—	—	7,436,664 53
Third quarter of 1838	805,795 76	—	—	—	805,795 76
Fourth quarter of 1838	—	—	—	—	—
First quarter of 1839	2,070,985 14	—	10,000 00	—	2,080,985 14
Second quarter of 1839	1,773,291 07	—	3,000 00	—	1,776,291 07
None in third and fourth quarters of 1839	—	—	—	—	—
	10,739,085 81	4,280,273 72	2,797,844 73	1,755,881 96	19,567,086 22

C 2.

*nt, estimated and ascertained, of the redemption of Treasury notes,
ing the amount paid into the Treasury on account of public dues.*

quarter of 1837	-	-	-	-	\$786,520 87
arter of 1838	-	-	-	-	2,713,479 13
quarter of 1838	-	-	-	-	3,070,000 00
uarter of 1838	-	-	-	-	1,043,350 00
quarter of 1838	-	-	-	-	752,510 60
arter of 1839	-	-	-	-	1,834,442 40
quarter of 1839	-	-	-	-	3,908,240 44
uarter of 1839	-	-	-	-	1,751,158 26
quarter of 1839	-	-	-	-	949,049 22

C 3.

Treasury notes issued and redeemed before January 1, 1840.

	October 12, 1837: first emission.	May 21, 1838: sec- ond emission.	March 2, 1839: third emission.
-	\$10,000,000 00	\$5,709,810 01	\$3,857,276 21
ed -	9,801,487 44	5,505,899 40	1,501,364 08
ling Janua- 1840	198,512 56	203,910 61	2,355,912 13

C 4.

asury notes issued and redeemed before February 26, 1840.

	October, 1837.	May, 1838.	March, 1839.
-	\$10,000,000 00	\$5,709,810 01	\$3,857,276 21
ed -	9,830,426 07	5,534,299 40	2,035,129 08
ling Febru- , 1840	169,573 93	175,510 61	1,822,147 13

RECAPITULATION.

First emission	-	-	-	-	-	\$169,5
Second emission	-	-	-	-	-	175,5
Third emission	-	-	-	-	-	1,822,1
						<hr/>
Outstanding February 26, 1840	-	-	-	-	-	2,167,2
Outstanding February 1, 1840	-	-	-	-	-	2,208,2
						<hr/>
Redeemed in February, 1840	-	-	-	-	-	41,0
						<hr/> <hr/>

D.

Statement of Treasury notes issued under the authority of the act of the 12th of October, 1837, and subsequent acts, in payment of public debts, and on certificates of deposit, viz:

Under act of the 12th of October, 1837.

At 1 per ct. int.—in payment of warrants,	\$1,755,881	96	
2 do. do.	2,783,344	73	
5 do. do.	4,279,073	72	
6 do. do.	992,364	59	
			<hr/>
			\$9,810,6
2 do. on certificates of deposit,	1,500	00	
5 do. do.	1,200	00	
6 do. do.	186,635	00	
			<hr/>
			189,3
			<hr/>
			10,000,0

Under act of the 21st of May, 1838.

At 6 per ct. int.—in payment of warrants,	\$1,809,138	81	
6 do. on certificates of deposit,	3,900,671	20	
			<hr/>
			5,709,8

Under act of the 2d of March, 1839.

At 2 per ct. int.—in payment of warrants,	\$13,000	00	
6 do. do.	155,358	13	
			<hr/>
			168,358 13
6 do. on certificates of deposit,	3,688,918	08	
			<hr/>
			3,857,9
			<hr/>
Aggregate	-	-	19,567,0
			<hr/> <hr/>

RECAPITULATION.

Under the several acts—in payment of warrants,	\$11,788,161	94
do. on certificates of deposit,	7,778,924	28
	<u>19,567,086</u>	<u>22</u>

WM. SELDEN,
Treasurer of the United States.

TREASURER'S OFFICE, *March 24, 1840.*

CORRESPONDENCE.

E 1.

NEW YORK, *March 14, 1838.*

I have the honor respectfully to state, that I feel sanguine of obtaining specie for Treasury notes bearing an interest of six per cent., proper centage can be allowed for the labor of counting, delivering, &c., I should suppose, would be a fair charge, not in the shape of out as charges incidental to the transaction.

I can, consistently with your construction of the law, authorize I be gratified in procuring such amount as may be required.

Very respectfully, &c.,

JOHN BARNEY.

LEVI WOODBURY.

E 2.

TREASURY DEPARTMENT, *March 16, 1838.*

I have to acknowledge the receipt of your letter of the 14th inst. I surer will issue Treasury notes bearing an interest of six per cent. on receiving certificates of deposit to the extent of \$100,000, in the cities of New York and Philadelphia, showing that the amounts are to his special credit in the Manhattan Bank at the former place, and in the Moyamensing Bank at the latter. Interest will commence from the date of the certificate. It is not in the power of the department to make an allowance to an individual for his trouble in making such deposit, as you suggest, beyond the interest he will enjoy under the provisions of the law.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

JOHN BARNEY, Esq.,
Now at New York.

E 3.

NEW YORK, *March 28, 1838.*

I do not want of some small allowance beyond par, I cannot succeed in procuring here specie for six per cent. notes.

I have, however, ten thousand dollars in Baltimore, ready to be delivered at any bank you may designate.

Be pleased to transmit the notes in sums of \$500 or \$1,000, to Baltimore, where the exchange will be made ; or, if you will not receive it in Baltimore, I must transport it to Philadelphia.

Be pleased to address me in duplicate—one to Baltimore, one to New York ; and your commands shall be obeyed immediately. My son acts for me in Baltimore.

If you will issue mill notes, or two or five per cents, and allow any difference between them and those bearing six per cent., I can furnish you with \$200,000 in specie in an hour.

Very respectfully, &c.,
JOHN BARNEY.

Hon. LEVI WOODBURY.

E 4.

TREASURY DEPARTMENT, *March 30, 1833.*

SIR: I have to acknowledge the receipt of your letter of the 28th inst.

The Treasurer of the United States has instructions to issue Treasury notes bearing an interest of six per cent., upon the receipt of a certificate of the special deposit of specie to his credit in certain indicated banks. The certificate of the cashier of the Franklin Bank of Baltimore, showing that such special deposit of coin has been there made to the amount of the \$10,000 you mention, will doubtless be sufficient, and will relieve you from the trouble of going to Philadelphia with it. The notes will be issued by the Treasurer in such denominations as you may wish. Under the present law, it is not in the power of this department to grant more favorable terms to those who wish to exchange specie for Treasury notes, than to issue the latter at the highest rate of interest authorized.

I am, sir, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

JOHN BARNEY, Esq.,
Baltimore, Maryland.

E 5.

NEW YORK, *April 5, 1833.*

SIR: If the Treasury Department desires me to complete the order for \$100,000 in specie, in exchange for Treasury notes, I am now prepared to do so.

I feel persuaded that the proposal I was authorized to make, in regard to the United States Bank advancing the two millions due in September, can be carried out, if it is the pleasure of the department to authorize it.

I have the honor, &c.,

JOHN BARNEY.

Hon. LEVI WOODBURY.

[No answer appears to have been made to this letter.]

E 6.

NEW YORK, *April 6, 1838.*

energy of my mind has been concentrated to produce a resumption of specie payments, on terms which will assure peace and prosperity.

You the result of my consultations with Mr. Gallatin, Mr. All the prominent financiers of New York; as, also, Mr. Belmont of Rothschild.

Before Congress proposes the issue of ten millions Treasury in twelve, eighteen, and twenty-four months. Retain the to meet the demands on the Treasury, remit to Europe five and eighteen months' notes, and I guaranty in three months equal amount in specie; and will obtain it from the vaults of England itself, if necessary, by demonstrating to her directors as specie thrown into this country, from her superabundant create a market for twenty millions of her manufactures.

agree to import an additional five million dollars from France,IGATION from the Treasury Department to pay me, on its debt-country, the exchange, freight, insurance, &c. At present we obtained at one per cent. gain—say \$100 for \$99.

to prevent the whole ten millions being brought into market all the floating capital, and increase the distress.

could be assured that the Government would import specie, ng to drain their vaults, I pledge myself for a resumption of th of Georgia.

ited States Bank will be compelled to follow suit. I will be onday, to give and receive any further elucidation you may et worthy of.

Most respectfully, your obedient servant,

JOHN BARNEY.

WOODBURY.

E 7.

WASHINGTON, *April 10, 1838.*

an impression that the law regulating the Mint authorizes, at all times, the sum of one million dollars for coinage, I wish you with this (a lesser or greater sum) on the following imported and delivered within sixty to ninety days; you stip- for the same in sterling bills, on delivery, allowing the usual ce, interest, and commission.

at rate of exchange on England, in New York, (say $4\frac{1}{2}$ per) I could deliver one hundred dollars in coin for less than dollars in New York safety-fund bank notes—the variation ll, of course, influence the cost on delivery; but if the Treas- it prefer to furnish bills of exchange *now*, I will contract to ndred dollars in specie for ninety-nine dollars in New York

ng known that the Government have decided to import spe- it, in preference to exhausting the stock now in the country,

will inspire confidence, and materially aid the banks in a specie payment.

The favor of an answer, directed to Gadsby's hotel, is solicited.

Very respectfully, I have the honor to be your obedient

JOHN

Hon. LEVI WOODBURY,
Secretary of the Treasury, Washington.

E 8.

TREASURY DEPARTMENT

A

SIR: Your letters of the 6th and 10th instant are before me. In addition to the inquiries presented in the first one, I perceive that you are desirous of procuring a proper amount of specie abroad, upon Treasury notes, under the new bill before Congress, should it soon pass; and that you wish to do it can, after the passage of the law, be settled in such a manner as to prove safe and economical to the public.

That course might be useful, and therefore desirable, so far as it would serve to prevent some temporary withdrawal of specie from the banks to their depositors, for the purpose of purchasing Treasury notes for export. But as the amount which would probably be withdrawn for this purpose would be small at any one time, would be immediately replaced in the course of disbursement, and, if not drawn for such investment, would probably be required for some other purpose, I do not think that the banks have any reason to cherish apprehensions of any inconvenience in sustaining specie payments, likely to be caused by the operations of the Treasury Department.

This department does not, and cannot, seek to "drain the banks," or to hoard specie; but, during the present year, and the next, must immediately pay out, and put into circulation, the amount which it will receive.

In respect to your second inquiry, I would remark, that the bullion placed in the Mint to procure metal for coining, and to make good the deposits of bullion, is, by the existing laws, transferred to the Treasury already in the Treasury, under orders of the President of the United States.

Neither the President, nor this department, possesses any authority to borrow money for these purposes. If any contract be made for metal for coining, with the funds already transferred there

E 9.

BALTIMORE, *April 15, 1838.*

I have the honor to acknowledge the receipt of your favor of April and so soon as the bill authorizing the issue of the contemplated ten of Treasury notes shall become a law, I will be prepared to renew proposals to the Treasury Department.

In the mean time, I shall continue to deposit specie, as instructed by letters of March 16th and 30th, to the amount of two hundred thousand dollars, and transmit certificates as usual to the Treasurer of the United States.

Very respectfully, I have the honor to be, your obedient servant,

JOHN BARNEY.

LEVI WOODBURY.

E 10.

TREASURY DEPARTMENT, *April 17, 1838.*

I have to acknowledge the receipt of your letter of the 15th instant, concerning

the money which you or others may loan to the United States on 6 per cent Treasury notes, in the mode pointed out in my letter of the 30th ultimo. I do not, of course, intend to be understood to be raised under any special instruction from this department; the exchange of specie for Treasury notes in the manner having been authorized by general instructions, immediately after the passage of the act of October last, as intimated in that letter.

As money being wanted for immediate use, it is desirable, as soon as possible, that all be deposited by any individual to the credit of the Treasurer, as previously pointed out, that notice be given without delay, in order that the same may forthwith be placed upon it, to meet the exigencies of the service.

Very respectfully, your obedient servant,

LEVI WOODBURY,

*Secretary of the Treasury.*JOHN BARNEY, Esq., *Baltimore.*

E 11.

NEW YORK, *May 19, 1838.*

I have the honor respectfully to state, that, in pursuance of your letter of the 16th March last, I have this day deposited to the credit of the Treasurer of the United States, in the Bank of America, New York, fifty thousand dollars, for which he will be pleased to issue Treasury notes bearing interest of six per cent.

We have been prevented making any deposits lately, under an impression that the amount authorized by law was nearly exhausted; but as the act in question will probably become a law this day, it affords me pleasure to state that there is constant demand for six per cent. Treasury notes in ex-

change for specie, at par ; and I shall be happy to execute your or any desirable amount.

In compliance with what I believe to be your wishes, I have forbore every instance, to make any demand upon any bank or moneyed institution for specie, but have received it from parties holding it in their own right.

Very respectfully, &c.,

JOHN BARNES

LEVI WOODBURY, Esq.,
Secretary of the Treasury.

[NOTE.—No answer was made to this letter, which was referred to the Treasurer, with direction to issue the Treasury notes whenever the call of deposit should reach the department.]

F 1.

TREASURY DEPARTMENT,
February 9, 1862

SIR: Your letter of the 7th instant, offering for sale State stock, has been received.

I regret that I am not able to inform you of any opportunity for the sale of your stocks at present.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

J. D. BEERS, Esq., *New York.*

F 2.

NEW YORK, *February 14, 1862*

DEAR SIR: I am favored with your letter of the 9th instant. The Messrs. Rothschild & Sons informed me that if our Government would place a credit on them, or specie remitted to this country, they would supply it at 5 per cent. interest, returnable in six or twelve months, and one per cent. commissions. They also will import specie for our banks on similar terms except payment on arrival of the specie in this country. A number of banks will avail themselves of this opportunity to increase their specie.

I am, &c.,

J. D. BEERS

HON. LEVI WOODBURY.

F 3.

TREASURY DEPARTMENT, *February 18, 1862*

SIR: In reply to the suggestion contained in your letter of the 14th instant, I have to state that this department will be happy to issue Treasury notes, bearing a rate of interest of six per cent., and payable in 12 months from the date, for a million of dollars of specie, or any smaller

Messrs. Rothschild may place in New York to the special-deposit of the Treasurer of the United States in the Manhattan Bank or the Bank of America.

Respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

BEERS, Esq., *New York.*

F 4.

NEW YORK, *February 24, 1838.*

SIR: Mr. Belmont, the agent of Messrs. Rothschild, returned yesterday. The agent can open credits and make contracts, but he does not order specie on the terms you propose. If he should receive specie, he will offer it to you, and may take the notes; but this will depend on the rate they may be at, and rate of exchange. Mr. Belmont asked me if you would agree to issue the notes now on interest at six per cent, to hold them until the specie arrives, thereby giving him the benefit which would cover cost of insurance, freight, and commissions. He will be in Washington in about ten days, he will call and see you.

I am, &c.,

J. D. BEERS.

LEVI WOODBURY.

Specie on England 6½ to 7 to-day.

Banks in this city have ordered considerable specie from England.

—No reply was made to this letter.]

F 5.

NEW YORK, *July 28, 1838.*

SIR: I had the honor, on the 21st instant, and have now the pleasure of communicating to you, that, supposing it would meet with your approval, I have handed over to the Bank of America, the day after to-morrow, in specie, on board of the Havre packet, arrived here last night, the sum of \$1,000,000, and you to let me have the same amount in six per cent. Treasury notes.

I have made the arrangement with the bank, that, in case this proposition is accepted, the certificate of deposit will be issued from Monday, the 30th inst., and you will therefore be pleased to issue the Treasury notes from Monday, provided the whole is convenient to you.

Let me know, at an early opportunity, whether the proposed arrangement can be effected, in order that the bank can forward to you, immediately, the certificate of deposit.

I remain, &c.,

AUGUST BELMONT.

LEVI WOODBURY,

Secretary of the Treasury.

—The letter of the 21st July did not relate to Treasury notes, but to the sale of the Bank of the United States, which had been offered to Rothschild.]

AUGUST BELMONT, Esq., New York.

G 1.

HOUSE OF REPRESENTATIVES
February

MR. DORSEY: Will you do me the favor of going to the Department and presenting the *two* Treasury drafts enclosed, and give me Treasury notes bearing an interest of five per cent. ? from the time payment was demanded at Charleston.

Very respectfully,

WM. C.

N. B. Set Treasury notes in \$50's.

G 2.

TREASURY DEPARTMENT, February

SIR: The sergeant-at-arms of the House of Representatives has brought to this department two drafts, issued by the Treasurer, in Montgomery, on the Bank of Charleston, S. C., for \$500, which

in your expressing a wish that Treasury notes, bearing an interest of per cent. from the date of the return of the drafts to the Treasury, may be issued to you, they will be immediately issued and sent to you.

I have the honor, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

MR. W. C. DAWSON,
House of Representatives.

G 3.

TREASURY DEPARTMENT, *February 22, 1838.*

SIR: I have to acknowledge the receipt of your letter of this date, enclosing three discredited drafts upon the Bank of Charleston, S. C., amounting \$1,200, to be exchanged for Treasury notes bearing five per cent. interest. They have been referred to the Treasurer, with directions to issue the notes with all despatch, and send them to you.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

MR. W. C. DAWSON,
House of Representatives.

NOTE.—The letter of Mr. Dawson, referred to in the above, enclosing two drafts of \$500 each, mentioned in the former letters, with another draft of \$200, cannot now be found in the Treasurer's office, to which it appears to have been referred; and is supposed to have been received, with some explanatory memorandum thereon, to Mr. Dawson.]

G 4.

HOUSE OF REPRESENTATIVES, *February 24, 1838.*

SIR: You will oblige me by directing the Treasury notes to be immediately sent me for the drafts I have returned. If you are not prepared to send me the full amount, a part at least.

Very respectfully,

WM. C. DAWSON.

MR. LEVI WOODBURY,
Secretary of the Treasury, Washington City.

G 5.

TREASURY DEPARTMENT, *February 24, 1838.*

SIR: Your letter of this date was received at the department after the Secretary had gone to dinner. On inquiring at the Treasurer's office, I

BOSTON, Au

SIR: I have the control of about one hundred thousand should be glad to invest in Treasury notes of the longest of them here. Will you do me the favor to inform me where to get them at par, bearing an interest of six per cent.?

I have the honor to remain your obedient servant,

ABBOTT

Hon. LEVI WOODBURY.

H 2.

TREASURY DEPARTMENT, Au

SIR: I have to acknowledge the receipt of your letter of \$100,000 in exchange for six per cent. Treasury notes.

This department is not borrowing money upon Treasury notes at present time. Should it do so hereafter, and have occasion to raise money at Boston, I shall be happy to apprise you.

I am, very respectfully, your obedient servant,

LEVI WOODBURY
Secretary of

Hon. ABBOTT LAWRENCE, *Boston.*

H 3.

SEPTE

H 4.

Boston, *September 7, 1838.*

: I have your favor of the 4th; and in reply beg to state that, in consequence of having received a letter from the Secretary of the Treasury, 28th ultimo, informing me "that the Treasury was not borrowing at present upon Treasury notes," I invested in mortgages, and loaned moneys, the amount I proposed to invest in Treasury notes.

Yours, dear sir, your obedient servant,

ABBOTT LAWRENCE.

JOHN CAMPBELL, Esq.

H 5.

Boston, *September 18, 1838.*

: Since I wrote to you, I have received *one hundred thousand dollars* investment, for which I should be glad to obtain Treasury notes of the same dates, bearing interest at six per cent. You will oblige me by forwarding the above amount. I will deposite the money in the Merchants' Bank and send to you a certificate of the same. Your reply by return of mail will greatly oblige, sir, your obedient servant,

ABBOTT LAWRENCE.

JOHN CAMPBELL, Esq.

H 6.

SEPTEMBER 21, 1838.

: Your letter of 18th instant has been submitted to the acting Secretary of the Treasury, who instructs me to accept your proposition.

I will therefore please deposite the amount (\$100,000) in the Merchants' Bank of Boston, as a special deposite to the credit of the Treasurer of the United States, and forward a certificate of the deposite. The Treasury notes will be issued, bearing six per cent. interest, and payable twelve months after date, which will correspond with the date of the deposite. Please say what denominations (we issue for \$1,000, \$500, \$100, and you may wish.

Yours respectfully, your obedient servant,

WM. B. RANDOLPH, *Chief Clerk,*
FOR TREASURER UNITED STATES.

ABBOTT LAWRENCE, Esq., *Boston.*

H 7.

Boston, *February 18, 1839.*

: I am in want of \$200,000 of Treasury notes, payable in twelve months, bearing interest at six per cent. I suppose Congress will authorize a considerable amount before the end of the session.

The amount I will deposite in New York, and send to you a ce on the 1st day of March, or \$100,000 on the 1st and the other \$ on the 15th of same month. Will you do me the favor to let me kn return of mail, if convenient, whether I can obtain the above ; and I could increase the sum to \$300,000, if I should desire it?

I have the honor to remain, with great regard, your obedient serv
ABBOTT LAWREN

Hon. LEVI WOODBURY.

H 8.

TREASURY DEPARTMENT, February 22, 1

SIR : I have to acknowledge the receipt of your letter of the 18 stant, proposing to exchange \$200,000 in cash for six per cent. Treasury notes. Should the bill now before Congress, authorizing this department to continue the issue of the notes contemplated by the act of the 21st of May last become a law, I shall be happy to apprise you what may be done under its provisions.

I am, very respectfully, your obedient servant,

LEVI WOODBURY
Secretary of the Treasury

ABBOTT LAWRENCE, Esq.,
Boston, Massachusetts.

H 9.

Boston, February 26, 1

SIR : I have to acknowledge your favor of the 22d instant. When I wrote to you, it was under the expectation that you would have the authority from Congress to continue the issue of Treasury notes, under the act of the 21st of May, before my letter could reach you. It seems mistaken in that expectation, and I write now to say that I wish \$200,000 in Treasury notes for a public institution, where they will remain till I will deposite the money here, and will thank you for a communication as early as convenient after the action of Congress upon the subject.

I have the honor to remain, sir, with great respect, your obedient serv
ABBOTT LAWREN

Hon. LEVI WOODBURY,
Secretary of the Treasury, Washington.

H 10.

TREASURY DEPARTMENT, March 4, 18

SIR : I have to acknowledge the receipt of your letter of the 26th instant offering to exchange \$200,000 for six per cent. Treasury notes.

This department has decided that no Treasury notes bearing that rate of interest will be at present issued, excepting upon the express stipulation

may be redeemed, one-half on or after the first day of August, or half during the month of October next, should the condition sury at those periods justify the redemption.

public institution, in behalf of which your proposition is made, is enter into such a stipulation, I shall be happy to exchange a por-sum mentioned, but perhaps not the whole amount at this time.

I, very respectfully, your obedient servant,

LEVI WOODBURY,

Secretary of the Treasury.

LAWRENCE, Esq., *Boston.*

H 11.

Boston, March 7, 1839.

I have the honor to acknowledge the receipt of your favor of tant, and enclose to you a certificate of deposit which I have Merchants' Bank for one hundred thousand dollars, for which the same amount in Treasury notes, agreeably to your proposal, is to be made payable in twelve months, with interest at six per the express stipulation that one half the amount may be re-or after the first day of August, and the other half during the October next. I would be glad to have one hundred thousand e, provided you can give them to me payable in twelve months, at six per cent. Please make the notes payable to Joseph Til-the same sums as those received from you in September last.

be good enough to acknowledge this by return of mail, and your respectful and obedient servant,

ABBOTT LAWRENCE.

VI WOODBURY.

Certificate.

MERCHANTS' BANK,

Boston, March 7, 1839.

of Abbott Lawrence, Esq., by the hands of himself, the sum of d thousand dollars, on special account of the Treasurer of the es; for which I have given duplicates.

H. ELDRIDGE, *Cashier.*

I 1.

New York, April 17, 1839.

you are probably aware an arrangement has been made by the England for transmitting to us one million sterling in specie, sovereigns,) with a view to aid the banks in a resumption of spe-ts. It occurs to us that it may be desirable for the Government

to purchase a part of this specie, and deposit it with the New York or otherwise, so as to aid in the general object: If so, we shall be hear from you on the subject, stating the amount which might be and the modes of payment which would best meet your views.

We are, sir, &c.,

PRIME, WARD, & K

HON. LEVI WOODBURY,
Secretary of the Treasury.

I 2.

TREASURY DEPARTMENT, *April 20, 1*

GENTLEMEN: I have to acknowledge the receipt, this morning, of your letter of the 17th instant.

Should Congress soon authorize either the reissue of the Treasury notes which have been returned, or a new emission, for the purpose of meeting the wants of the public service, I will be happy to communicate with you on the subject of your letter.

At this moment, so few of the Treasury notes authorized by the Congress of October are left, that, until further legislation shall take place, they are hardly of sufficient amount to justify new and special arrangements as to loans upon them.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,

Secretary of the Treasury.

Messrs. PRIME, WARD, & KING, *New York.*

I 3.

NEW YORK, *April 21,*

SIR: In the absence of a reply from you to our letter of the 17th and presuming that the Government will be desirous to have the same save time, we would propose to furnish a million of dollars certainly perhaps two millions, in gold, to be paid for by the Government within ninety days, in sterling exchange at $5\frac{1}{2}$ per cent., and interest at the 5 per cent. till paid.

It will be in our way to purchase or furnish the exchange at the market rate for undoubted bills, without risk to the Government; the above rate will about replace the funds in England, with a commission of one per cent.; and, it strikes us, may be the most convenient and best for the Government.

We are distributing the specie so as to aid the banks, and have offered to Boston what she may want, on the same terms we propose to you.

We have the honor, &c.,

PRIME, WARD, & K

HON. LEVI WOODBURY,
Secretary of the Treasury, Washington.

I 4.

TREASURY DEPARTMENT, *April 23, 1838.*

LEMEN: I have to acknowledge the receipt of your letter of the 18th inst., offering to exchange gold for sterling exchange at certain species.

If this department shall be empowered by law to adopt the mode proposed by you for borrowing money, it will not be in my power to accede to your propositions, however advantageous they may be deemed for the interest.

Existing laws authorize the exchange of specie for Treasury notes; the amount of the latter within the control of this department is at this time so small as hardly to be an object for an arrangement; but, should authority be given, I will address you again on the subject, as mentioned in my letter of the 20th instant.

I am, very respectfully, &c.,

LEVI WOODBURY,

Secretary of the Treasury.

PRIME, WARD, & KING, *New York.*

I 5.

NEW YORK, *May 23, 1838.*

We can place at the disposal of your department from one million and a half of dollars, in gold, (sovereigns at legal standard,) or Treasury notes, on terms somewhat like the following, viz: We will give the department an interest of four per cent. per annum; selling Treasury notes at prescribed limits, and charging usual commission of one per cent. If not sold within forty-five days, at limits, we should have liberty to sell the Treasury notes at the market price; or receive payment, with interest at six per cent. per annum, for the time we are in advance, and no commission. It may be that we should not receive reimbursement, or only in part, for a longer period than above named; but as there is no certainty at present.

My answer will be acceptable, and any suggestions from the department will be respectfully considered by,

Sir, yours respectfully,

PRIME, WARD, & KING.

SECRETARY OF THE TREASURY,

Washington.

I 6.

TREASURY DEPARTMENT, *May 25, 1838.*

LEMEN: I have to acknowledge the receipt of your letter of the 18th inst., offering to place from a million to a million and a half of dollars at the disposal of the department, in gold, upon certain stipulations for repay-

I feel much obliged by the spirit of accommodation manifested in the terms of your letter ; but, under the strict limitations imposed upon this department by the laws authorizing the issue of Treasury notes, it is far from transcending the usual discretion exercised by it in such matters to bring them into the arrangements proposed.

Should you find it convenient to deposit any part of the amount suggested by you in the Bank of America, to the special credit of the Treasury of the United States, (not exceeding a million of dollars,) on transmittal of a certificate of deposit, Treasury notes will be issued to you, redeemable at the expiration of one year from the date of deposit, and bearing interest at the rate of six per cent. from that date.

The Treasury notes themselves have been found a very acceptable medium of payment to the public creditors ; but this department has considered it most proper, at the present time, that no greater circulation should be given to them than shall be imperiously required by the public service. It would accordingly prefer exchanging them for specie, under the authority given by the law, and by this means keeping them, as far as may be in its power, from pressing upon the New York market.

With this view, as few of them will be issued upon warrants in favor of the public creditors as may be found possible with the other funds under the control of the department ; and it is hoped that, by this course, they will continue at or above par.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,

Secretary of the Treasury

Messrs. PRIME, WARD, & KING,
New York.

I 7.

NEW YORK, *June 2, 1864*

SIR : We were duly favored with your communication of the 25th inst., and, in the hope of rendering an acceptable service to your department and of securing a moderate interest for our funds, we have deposited, according to your directions, in the Bank of America, one million of dollars in gold coin ; certificate of which, and particulars for the Treasury to be returned to us, will be forwarded to you by the president of the institution. It is the intention of the writer (our J. G. King) to visit Washington in the course of next week, with the desire of affording the co-operation of our house in the views expressed in the latter part of your communication, in regard to the upholding the value of the Treasury issues as well as other markets, should there be found any suitable means for rendering our services available. Meanwhile,

We remain, sir, &c.,

PRIME, WARD, & KING,

Hon. SECRETARY OF THE TREASURY,
Washington.

I 8.

NEW YORK, *June 13, 1838.*

We have deposited with the cashier of the Manhattan Company
usand dollars, against an equivalent amount of 6 per cent. Treas-
es, which we desire for account of a corresponding bank in Charles-
d which, if not inconvenient, we shall feel obliged by receiving at
ble early day.

We have the honor, &c.,

PRIME, WARD, & KING.

SECRETARY OF THE TREASURY.

I 9.

TREASURY DEPARTMENT, *June 15, 1838.*

PLEMEN: I have to acknowledge the receipt of your letter of the
stant. Whenever the Treasurer of the United States shall be in
on of the certificates of the cashier of the Manhattan Company,
; that the \$50,000 mentioned by you has been placed to his credit
al deposite, he will issue the Treasury notes, bearing the same date,
cent. interest, as has been heretofore explained.

very respectfully, your obedient servant,

LEVI WOODBURY,

Secretary of the Treasury.

S. PRIME, WARD, & KING,

New York.

I 10.

MANHATTAN COMPANY,

New York, June 13, 1838.

Messrs. Prime, Ward, & King have deposited with *this company*
usand dollars, in specie, which they will pass to the credit of the
er of the United States, provided you will give them Treasury
aring interest at the rate of 6 per cent. per annum. Should this
accepted, you will please to send the notes in the following sums :

otes of \$1,000	- \$20,000	} Payable to the order of Thomas Chapman, cashier Bank of South Carolina.
otes of 500	- 20,000	
otes of 100	- 10,000	

50,000

s to inform me if I am to receive any sums offered in this way, and
tificates of deposite, to enable the depositors to receive from you
y notes of the above description. We have several applications of
l.

I have the honor, &c.,

ROBERT WHITE,

Cashier Manhattan Company.

LEVI WOODBURY,

Secretary of the Treasury.

I 11.

TREASURY DEPARTMENT, *June 15, 1835*

SIR: Whenever your certificate is received, showing that the \$50,000 mentioned in your letter of the 13th has been deposited by Thomas C. Smith, man, cashier, to the credit of the Treasurer, in special deposit, that we will issue Treasury notes for the amount, bearing the same date, at 6 per cent. interest, as soon as the pressure of business shall enable him to do so.

In reply to your inquiry, whether you may receive other sums offered in the same way, I have to suggest that Treasury notes bearing interest at 6 per cent., will be issued, upon special deposit of specie in your bank, for an amount not, in all, exceeding \$50,000. Should a further amount be offered, I will thank you to apprise me, in order that the propriety of making change beyond that sum at present may be taken into consideration.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury

ROBERT WHITE, Esq.,
Cashier Manhattan Bank.

I 12.

NEW YORK, *June 18, 1835*

SIR: We have your esteemed favor of the 15th instant, and beg leave to state, for accuracy's sake, that we were not aware of any want of form in your deposit in the Manhattan Company, as intimated therein. The specie was duly placed there; the cashier writes to that effect; and we trust that the notes will take interest from the 13th instant, the date of your deposit.

We have the honor, &c.,

PRIME, WARD, & KING

HON. SECRETARY OF THE TREASURY.

I 13.

TREASURY DEPARTMENT, *June 20, 1835*

GENTLEMEN: I have to acknowledge the receipt of your letter of the 18th instant. The difficulty, or "want of form," which at present prevents the Treasurer from dating the Treasury notes referred to on the 13th instant, is, that the cash, in lieu of which they are to be issued, does not appear to have been deposited to the credit of the Treasurer on that date, and the certificate of deposit bearing that date has not been transmitted, as heretofore explained to be necessary. Until such a certificate is received showing the sum to be placed in special deposit to the credit of the Treasurer, the notes cannot be issued, and then the notes must bear the date of the certificate. But, if the cash was actually placed in special deposit to the credit of the Treasurer on the 13th, and, by mistake or accident, the certificate of it was sent until the 18th, or some other date; and if, when

ceived, it shall, by accident or mistake, appear to bear date of the 18th, instead of the 13th, it might alter the course of the Treasurer as to the date the notes, and the certificate might be sent back and corrected, as the ~~its~~ should render proper.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

Messrs. PRIME, WARD, & KING,
New York.

I 14.

NEW YORK, *June** 19, 1838.

SIR: On receiving your authority, we will specially deposite one hundred thousand dollars, at credit of the Treasury, in such bank as you may select here, against an equivalent amount of Treasury notes bearing 6 per cent. interest, to be issued to us on transmitting the proper certificate; and shall be glad to have the option of extending the amount to two or three hundred thousand dollars. For an immediate reply on our part,

Your most obedient,

PRIME, WARD, & KING.

Hon. SECRETARY OF THE TREASURY.

I 15.

TREASURY DEPARTMENT, *July* 21, 1838.

GENTLEMEN: I have to acknowledge the receipt of your letter of July 13. On your depositing one hundred thousand dollars to the credit of the Treasurer of the United States, in the Bank of America, in the manner proposed by you, I will cause Treasury notes to an equal amount, and bearing six per cent. interest, to be issued in your favor. A larger sum than one hundred thousand dollars is not wanted at this moment, but may be wanted before long.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

Messrs. PRIME, WARD, & KING,
New York.

I 16.

BANK OF AMERICA,
New York, July 23, 1838.

100,000.

Messrs. Prime, Ward, & King have this day deposited in this bank *one hundred thousand dollars*, which amount is placed to the credit of the Treasurer of the United States.

D. THOMPSON, *Cashier.*

In the date of this letter, *June* was evidently a clerical mistake for July. It was received in the department on the 21st July, and was replied to as having been dated on the 19th of that month. It is not easy to decide upon the true phraseology of the last sentence of the original; the copy is as near a literal transcript as can be made.

**HON. SECRETARY OF THE TREASURY,
Washington, D. C.**

I 17.

NEW YORK, .

SIR : Adverting to the last clause of the letter of the 21 we had the honor to receive from you and to acknowledge stant, we now propose to pay one or two hundred thousand credit of the Treasurer of the United States, in such bank signate, and receive in exchange Treasury notes bearing terest for an equal amount.

We request the favor of an answer as to which amount whether a larger sum would suit you better.

And now remain, &c.,

PRIME, WAR

HON. SECRETARY OF THE TREASURY.

I 18.

TREASURY DEPARTMENT, A

GENTLEMEN : I have the honor to acknowledge the receipt of July 28th.

You can deposit, in specie, in the Bank of America, any sum up to \$400,000. in special deposits to the credit of the 7

I 19.

BANK OF AMERICA, *August 4, 1838.*

certify that Messrs. Prime, Ward, & King have this day deposited in bank two hundred thousand dollars, to the credit of John Campbell, Treasurer of the United States.

GEO. NEWBOLD, *President.*

,000.

NEW YORK, *August 4, 1838.*

SIR: We have the honor to acknowledge [the receipt of] your letter of 2d inst, in reply to our respects of 28th ultimo, (a duplicate of which was forwarded 3d instant, fearing miscarriage of original;) and in conformity herewith we have in our hand the annexed certificate of deposit to credit of Treasurer of the United States, in the Bank of America, of this date, for two hundred thousand dollars; against which be pleased to cause to be issued, in the name of Thomas Chapman, cashier, \$40,000 in \$1,000 notes, Prime, Ward, & King, \$160,000 in \$1,000 and \$500 notes, each, as proposed, in Treasury notes bearing six per cent. interest from date.

We remain, sir, respectfully, yours,

PRIME, WARD, & KING.

HON. SECRETARY OF THE TREASURY,

Washington.

K 1.

No. 51 WILLIAM STREET, NEW YORK,

October 18, 1837.

DEAR SIR: In accordance with an advertisement from your department, I have the honor to state that I have six thousand dollars, which I am desirous to exchange for Treasury notes, if bearing an interest of six per cent. per annum. The money consists of sovereigns (which, I presume, will be at an average of \$4 84) and American gold, and can be deposited at any designated place in this city.

I have the honor to be, very respectfully, yours,

ARTHUR STEWART.

HON. LEVI WOODBURY.

Should my offer admit of the honor of a reply, please have "chronometer" added to my address as above.

A. S.

K 2.

TREASURY DEPARTMENT, *December 12, 1837.*

SIR: Your letter offering specie for Treasury notes has been duly received.

On your depositing the specie in the Bank of the Manhattan Co to the special credit of the Treasurer of the United States, that officer receiving the cashier's certificate of the fact, will issue Treasury notes for the amount, bearing an interest of 6 per cent. per annum.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

ARTHUR STEWART, Esq., *New York.*

K 3.

NEW YORK, *October 28, 1861*

SIR : For a Treasury note drawing an interest of six per cent. per annum I will pay specie upon its being delivered to me. The amount not to exceed five hundred dollars.

I am, very respectfully, your obedient servant,

DAVID S. LYON

Hon. LEVI WOODBURY,
Secretary of the Treasury.

K 4.

TREASURY DEPARTMENT,
December 12, 1861

SIR : Your letter, offering specie for Treasury notes, has been received.

On your depositing the specie in the Bank of the Manhattan Co to the special credit of the Treasurer of the United States, and transmitting the cashier's receipt to that officer, he will, on its coming to hand, issue Treasury notes in your favor for the corresponding amount, bearing interest of six per cent. per annum.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

D. S. LYON, Esq., *New York.*

K 5.

NEW YORK, *December 23, 1861*

SIR : Understanding that the Treasury Department grant notes bearing interest at six per cent. per annum, for specie deposited to your order in the Manhattan Bank of this city, should you have occasion for so small an amount as fourteen hundred dollars, it will be deposited to your order; for you could wish to receive the amount in \$100 Treasury notes.

an answer is respectfully requested, as soon as convenient, stating, at the same time, where the interest will be paid.

Your most obedient, &c.,

GEO. C. REED,
178 Prince Street, New York.

MR. LEVI WOODBURY.

NOTE.—No answer appears on the Secretary's records; but the deposits are to have been made, and the Treasury notes issued by the Treasury on the 2d January, 1838.]

K 6.

PHILADELPHIA, June 25, 1838.

SIR: I have the honor to enclose a certificate of deposit from Union Bank, Louisiana, to credit of the Treasurer of the United States, for one hundred thousand dollars in specie, deposited in conformity with the agreement made by Charles J. Nourse, Esq., which amount is reimbursable in Treasury notes bearing even date therewith, viz: 16th June, with six per cent. interest added. You will be good enough to have them drawn for by J. Cowperthwait, Esq., cashier, or of myself, or in any way most agreeable to yourself, but that will not involve any risk in the transmission. A duplicate will be forwarded in my next.

I am, respectfully,

C. McALESTER.

MR. LEVI WOODBURY,
Secretary of the Treasury.

NOTE.—No answer found, except forwarding the notes.]

Certificate.

UNION BANK OF LOUISIANA,
New Orleans, June 16, 1838.

Received from the Bank of the United States, through its agent, the Merchants' Bank of New Orleans, one hundred thousand dollars in specie, for credit of J. Campbell, Esq., Treasurer of the United States, and for which I have issued duplicate receipts.

100,000.

MARTIN JORDAN, Jr., Cashier.

K 7.

COMPTROLLER'S OFFICE,
Albany, July 10, 1838.

DEAR SIR: In a correspondence with Mr. Wright, he informed me that you would deposit three or four thousand dollars to the credit of the Treasury of the United States, you would issue to me six per cent. Treasury

notes, at par, for the sum deposited. I have, accordingly, deposited in the Mechanics and Farmers' Bank, Albany, the sum of \$4,000, and desire to have a Treasury note for \$2,700, to A. C. Flagg, comptroller, in trust for common school fund, (or, if this is impracticable, to be issued according to the custom of the department;) also, \$500 in one note, payable to the order of John A. Dix; also, one note of \$500, payable to the order of A. C. Flagg, and three notes, of \$100 each, also payable to the order of A. C. Flagg, and have the whole enclosed to me by mail.

I desire to invest one or two hundred thousand dollars in the same manner, for the common school and bank funds; although the time is only for one year, the investment is better than any we can make in any other way. Mr. Wright says, in his letter, that you would give the Treasury notes for any other sum deposited in the manner stated in his letter; but as the sum I wrote to him to invest was so inconsiderable, I thought I would not deposit one hundred thousand dollars without writing and getting an answer from you.

With much respect, your obedient servant,

A. C. FLAGG.

L. WOODBURY, Esq.

Certificate.

MECHANICS & FARMERS' BANK.

Albany, July 10, 1836.

\$4,000.

Special deposit of specie. }

The Hon. A. C. Flagg has deposited in this bank, in specie, four thousand dollars to the credit of the Treasurer of the United States, for the purpose of obtaining six per cent. Treasury notes.

E. E. KENDRICK, *Cashier*.

K 8.

TREASURY DEPARTMENT, July 14, 1836.

SIR: Your communication dated the 10th has been received, and the Treasurer has been requested to issue and transmit to you Treasury notes to the amount of \$4,000, as desired by you.

Since the conversation had with Mr. Wright, the department has decided not to borrow money on Treasury notes for a few weeks; when the case is resumed, it will give me pleasure to notify you.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,

Secretary of the Treasury.

A. C. FLAGG, Esq., Albany.

K 9.

CITY OF WASHINGTON, April 4, 1836.

SIR: On the 8th instant I propose to offer at the Treasury, for redemption, the under-described Treasury notes.

he greater portion of these notes were issued in my name, for gold to the Treasury, I feel emboldened to solicit a renewal of them for months longer, at legal interest. I have added a sum of gold, so as to make the total to be issued \$8,000.

My object in this matter being merely a safe investment of unemployed money, I shall certainly not alienate or negotiate the new notes, but retain them in my possession unendorsed until at maturity.

I have the honor, &c.,

JAMES RIORDAN.

LEVI WOODBURY,
Secretary of the Treasury.

List of Treasury notes in the hands of James Riordan.

Date.	Amount.	Interest up to—
1838.		
April 9	\$50	
10	150	
14	100	
16	50	
30	200	
May 7	100	
8	2,050	
12	100	
16	100	
19	100	
21	100	
22	100	
29	100	
June 2	50	
7	200	
23	150	
30	150	
July 2	2,000	
3	600	
6	50	
	<hr/>	
	\$6,500	

K 10.

TREASURY DEPARTMENT, *April 4, 1839.*

I have to acknowledge the receipt of your letter of this date. This department is ready to redeem the Treasury notes therein mentioned, and to pay the cash for them. But new notes, bearing an interest of 6 per cent.,

cannot be issued in payment, excepting upon an express stipulation they shall be held by you, and the department allowed to redeem any time during the last half of the present year, should the condition the Treasury permit.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

JAMES RIORDAN, Esq.—*Present.*

K 11.

APRIL 8, 1861

SIR: I have received your letter of the 5th instant, and accede to the stipulations therein contained, viz: that I retain in my possession the newly issued in exchange for those I now present for redemption, and that those new notes be redeemable at any time during the latter half of the present year.

I have the honor, &c.,

JAMES RIORDAN

Hon. LEVI WOODBURY,
Secretary of the Treasury.

K 12.

WASHINGTON, May 20, 1861

SIR: I agree to take \$50,000 new Treasury notes, holding them with permission for the department, after three months, to redeem any part of them at any time, having first given thirty days' notice of the time and amount.

G. W. MEREWETHER,
President Louisville Savings Institution.

Hon. LEVI WOODBURY,
Secretary of the Treasury.

[NOTE.—This sum was exchanged for Treasury notes, which had become due.]

K 13.

WASHINGTON, May 23, 1861

SIR: I agree to take Treasury notes to the amount of \$1,413, holding them with permission for the department, after three months, to redeem any part of them, at any time, having first given thirty days' notice of the time and amount.

HENRY JACKSON
For WILLIAM GREEN

Hon. LEVI WOODBURY.

K 14.

WASHINGTON, *May 25, 1839.*

areby agree to deposite in the Metropolis Bank \$50,000, to the special order of the Treasurer, and receive therefor new Treasury notes bearing six per cent. interest, which I will hold, and after the 1st of July let the Treasury Department redeem them when it pleases; and, if it does not do it, and I wish to dispose of them, I agree to give the department the first offer of them at par. A like sum is to be deposited, and received, on the 1st of June, on same terms.

W. W. CORCORAN.

L 1.

BANK OF AMERICA, *April 20, 1838.*

: In a letter that I addressed you on the 5th instant, I proposed to you, for the use of the Treasury, \$167,580 in specie, at Pittsburg and Allegheny, in exchange for a draft on the Mint.

Permit me now to say, that if it shall suit the convenience of the Treasury and meet your views, we will place that specie at your disposal, and exchange it for six per cent. Treasury notes for the amount.

I will have noticed, by the public papers, that a large amount of gold is being sent from London to aid the banks in a resumption of specie payments; and I beg to submit, for your consideration, whether an arrangement cannot be made that will be useful and convenient to the Treasury, and at the same time aid this city when we shall resume specie payments on the 10th of next month.

I would propose that you should give one million of dollars of six per cent. Treasury notes, in exchange for one million in gold; the gold to be deposited here to the credit of the Treasurer of the United States, in special account, to be drawn for as the wants of the Government shall require.

Such an arrangement would inspire confidence, and would otherwise greatly promote a sound state of things; and believing, if it shall meet your views, that the arrangement can be made, I will, with much pleasure, undertake the negotiation, if you shall think proper to authorize me to do so.

I shall be happy to hear from you on this subject, at your earliest convenience; and have only to add, that if the negotiation shall succeed, and the gold shall be deposited in this bank, it shall be held, and faithfully and judiciously applied in payment of the drafts and requisitions of the Treasury.

I have the honor, &c.,

GEO. NEWBOLD, *President.*

LEVI WOODBURY,

Secretary of the Treasury U. S., Washington.

1.—The packet ship *Gladiator*, from London, has just arrived, having on board more than one million of dollars in gold.

Yours,

G. N.

L 2.

TREASURY DEPARTMENT, *April 23, 1838*

SIR: I have to acknowledge the receipt of your letter of the 20th inst. this morning.

The Treasury has at this time a sufficient amount of specie funds at Louisville, and does not immediately require any at Pittsburg.

With regard to your other proposition, it now happens that this department has too few Treasury notes remaining within its control to make an arrangement to any considerable amount for the loan of specie upon them. Whenever Congress may authorize the reissue of the notes returned, or the issue of new ones, I shall be happy to entertain your proposal, and, in the mean time, am willing, under the general regulation heretofore adopted on this subject, to have \$100,000 placed in your bank in special deposit to the credit of the Treasurer; and on the transmission of the certificate of deposit to that officer, he will issue Treasury notes, bearing interest at the rate of six per cent., for the amount of the special deposit, from the date made.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

GEORGE NEWBOLD, Esq.,
President of Bank of America, New York.

L 3.

TREASURY DEPARTMENT, *June 18, 1838*

SIR: The requisitions from the War Department, for the public service, are so numerous and large for the south, that if either your bank, or Prime, Ward, & King, or any other parties, wish now to exchange cash for six per cent. Treasury notes, to the extent of \$500,000 more, I am inclined to do it, rather than issue the Treasury notes upon warrants.

I shall be glad to hear from you on this subject at your convenience.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

GEORGE NEWBOLD, Esq.,
President of Bank of America, New York.

L 4.

BANK OF AMERICA, *June 21, 1838*

SIR: I have the pleasure to acknowledge the receipt of your favor of the 18th instant; and I beg to inform you, in reply, that we have placed the sum of \$250,000 to the credit of the Treasurer of the United States, and that Messrs. Prime, Ward, & King have also deposited in this bank the like sum of \$250,000 to the credit of the Treasurer; making, together, the sum of \$500,000, as mentioned in your letter; and for which you will

ase direct 6 per cent. Treasury notes to be issued, dated this day, and
e forwarded to this bank. The notes to be issued in the names and
he denominations annexed.

hand you, enclosed, our cashier's certificates of the two deposits.

I have the honor, &c.,

GEO. NEWBOLD, *President.*

ON. LEVI WOODBURY,

Sec'y of Treas. of U. States, Washington.

ame of D. Thompson, 250 notes of \$1,000	-	-	\$250,000
ame of Prime, Ward, & King, 150 notes of \$1,000,	\$150,000		
" " 200 notes of \$500,	\$100,000		
		<hr/>	250,000
			<hr/>
			\$500,000
			<hr/>

L 5.

BANK OF AMERICA, *July 28, 1838.*

MR: Mr. A. Belmont will address you by this mail in reference to an
e of 6 per cent. Treasury notes in exchange for \$100,000 specie
he will deposite in this bank on Monday, the 30th instant; and he
requested me to add a line on the subject.

have informed Mr. Belmont that we could not receive the specie in
site to the credit of the Treasurer, for the purpose of obtaining Treas-
notes, without first obtaining your assent to the arrangement. The
ie, therefore, although it will, without doubt, be deposited in bank on
30th instant, will not be placed to the credit of the Treasurer until we
have authority for so doing.

r. Belmont will, however, be pleased to learn that you have acceded
is proposition.

I have the honor, &c.,

GEO. NEWBOLD, *President.*

ON. LEVI WOODBURY,

Sec'y of Treas. of U. States, Washington.

L 6.

TREASURY DEPARTMENT, *July 30, 1838.*

MR: I have the honor to acknowledge the receipt of your letter of July

I have, by this day's mail, informed Mr. Belmont that I accede to his
osition to issue 6 per cent. Treasury notes in his favor, on his deposit-
\$100,000 in specie in your bank, on special deposite to the credit of
Treasurer of the United States. You will please, therefore, to receive
specie on special deposite, and pass it to the credit of the United States
urer.

I am, &c.,

L. WOODBURY,
Secretary of the Treasury.

he PRESIDENT of the Bank of America,
New York.

Hoping that it may be agreeable to you at this time to ac-
position, I remain, &c.,

GEO. NEWBOLD.

Hon. LEVI WOODBURY,
Sec'y of Treasury of U. States, Washington.

L 8.

TREASURY DEPARTMENT, *Septemb*

SIR: I have to acknowledge the receipt of your letter of
stant, this morning. This department has, at the present time
at command for its current disbursements, without recourse
more Treasury notes at New York. Should a further issue
hereafter, I will be happy at once to apprize you.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

GEORGE NEWBOLD, Esq.,
President Bank of America, N. Y.

L 9.

TREASURY DEPARTMENT, *Decemb*

SIR: Nearly five millions of Treasury notes, of the second
will become redeemable in June next; and a very few in the
month of the last of the year.

bearing the same interest, but which fall due in June and the other summer months. The issue and redemption will be at par, with the understanding that the new notes now issued may be redeemed at par if the order of the Treasury shall render it desirable at any time before they fall due, and subsequent to the periods when the notes redeemed, with their proceeds, become payable. This will be an arrangement not injurious to present holders, and, possibly, beneficial to both them and the Treasury. It must be completed before the month closes; and, therefore, allow me to ask an early reply whether it cannot be carried into effect with or without your bank? It must be done with some bank or individual who will hold the notes as an investment, in order to comply with the understanding above named.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

GEORGE NEWBOLD, Esq.,
President Bank of America, N. Y.

L 10.

BANK OF AMERICA, *December 22, 1838.*

SIR: I have received your esteemed favor of the 20th instant, in reference to the issue of about two millions of Treasury notes, payable in one year, and the redemption, with the proceeds thereof, of an equal amount of the outstanding of the second emission. It has not been in my power to consult our board of directors on the subject to-day, but I will do so on to-morrow morning, the 24th instant; and I will then do myself the pleasure to write you more fully and definitely on the subject. At present, it appears to me that the main or only difficulty in effecting the arrangement proposed is the condition mentioned in your letter, that the notes now issued shall be redeemable, at the pleasure of the Treasury, any time before maturity of the notes. If that condition shall be insisted on, it, I think, render it difficult, if not impracticable, to effect the main object: neither banks nor individual capitalists would be willing to agree and hold themselves to hold the notes until maturity.

If that condition shall be waived, I have good reason to believe that this bank will be quite willing to enter into an arrangement with you at once for the whole two millions, under such regulations as will be acceptable, and will insure a ready and beneficial accomplishment of the object desired. Permit me to add, that, if I am not greatly mistaken in my view of the subject, it would be quite unnecessary for you to retain the condition referred to, because it is evident that, by the time the Treasury may wish to redeem notes now to be issued, (if at all before maturity,) they will have so long a time to run, and there will then be so much interest accrued on them, that they will not bear any premium in the market; and the holders, generally, would voluntarily bring them in for redemption as fast, probably, as the Treasury would desire.

I have the honor, &c.,

GEO. NEWBOLD, *President.*

Hon. LEVI WOODBURY,
Secretary of the Treasury U. S., Washington.

L 11.

TREASURY DEPARTMENT, *December 24, 1833*

SIR: From the letter which I have just had the pleasure of receiving from you, bearing date the 22d instant, respecting my proposition for the exchange of about two millions of the Treasury notes now outstanding for new ones, to be issued before the close of the year, under the law, it would seem that you do not distinctly understand that the period for redeeming the new notes will, *at all events*, be subsequent to the time when interest will stop on the present notes proposed to be taken up. The object of the exchange is not to place at the option of the department the redemption at an earlier period than the notes now out are now liable to, but to spread the operation of the redemption (the weight of which will fall, if the outstanding notes remain in the hands of the holders, almost entirely upon June and July next) over the whole of the remainder of the next year. The holders may, therefore, calculate upon receiving interest upon a longer period for the notes so exchanged, than they would if redeemed at maturity, as they now stand. From your suggestion, that, after June or July, they will not probably bear a premium, in consequence of the short time they will have to run, it seems that upon the express understanding that the redemption of none of them now issued shall be required to take place before Jan. or the period to which they now run, the condition contained in my letter of the 20th ought not to be regarded as objectionable.

Should you accede to the proposition for any amount of Treasury notes which you can have returned here for renewal, not exceeding two millions of dollars, I wish you to immediately adopt the form of passing a sum, equal to the amount to be exchanged, to the credit of the Treasurer, in special deposit as cash, and send the certificate forthwith to the Treasurer, as the basis for the issue of the new notes.

If the arrangement shall be finally adopted here, there will then be time before the end of the month to issue the new notes, and give instructions for taking up and cancelling the old ones with the money thus deposited; which seems to be the only form in which the operation can be effected.

We are crowded into such a narrow space as to time, that great promptitude will be necessary. Should the operation not be carried into effect, the certificate of deposit will be returned to you to be cancelled.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury

GEORGE NEWBOLD, Esq.,

President of the Bank of America, New York.

L 12.

BANK OF AMERICA, *December 24, 1833*

SIR: I wrote you on the 22d instant, replying, in part, to your favor of the 20th; and I now have the pleasure to inform you that this bank will be willing to undertake to effect the arrangement you propose, of placing two millions of new 6 per cent. Treasury notes in exchange for the like amount

est included) of Treasury notes of the second emission now outstanding provided we shall be at liberty to do so without any condition or understanding that the holders of the new notes shall hold them subject to option, at the pleasure of the Treasury, any time before their maturity. I exclude that condition, because we are sensible that it would, if rendered, render it impossible to effect the arrangement; and as I think that you will concur with me in opinion that the condition is not necessary to enable the Treasury to redeem the notes at par, at the period mentioned in my letter, I venture to anticipate your willingness to authorize the arrangement without it.

If you shall think proper to empower this bank to effect the arrangement now suggested, I think that we can readily do so for the whole amount of two millions; and we shall be enabled to accomplish it for a large amount, by direct exchange with present holders of the outstanding Treasury notes; and when that cannot be done, we will sell the new notes, and purchase the others with the proceeds, as opportunity shall offer.

This bank holds over \$600,000 of 6 per cent. Treasury notes due in August and June next, which we shall be willing to exchange for the new 6 per cent. notes to be issued, and which we will cancel and forward to the Treasury upon receiving your authority to make the arrangement proposed for the whole two millions.

I have the honor to remain, very respectfully, your obedient servant,
GEO. NEWBOLD, *President.*

M. LEVI WOODBURY,
Secretary of the Treasury U. S., Washington.

L 13.

TREASURY DEPARTMENT, *December 26, 1838.*

SIR: I have received the return of the state of the Treasurer's special account with your bank, with the memorandum subjoined, importing that \$627 56 of Treasury notes had been forwarded, for which no payment has been received. I am informed by the accounting officers that, in consequence of there being no schedule in detail transmitted with the notes, settlement requires a very considerable delay. As soon as it shall be completed, warrants for the amount will be either placed on the Treasurer's account in your bank, or elsewhere, as the state of things may render most proper. But, in the mean time, the department will see that you are not in advance of the balance due the United States. If you can find it convenient to purchase at par a million dollars of the outstanding notes which were previous to the 1st day of July, at a rate not exceeding \$200,000 per week, I shall be glad to pay for the same, out of the funds in the Treasury, at the same rate.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

GEORGE NEWBOLD, Esq.,
President Bank of America, New York.

ever, be able after the month of June, I do not feel justified
except under an arrangement that we may take them up as
as our means may permit, between June and December—
month when it is supposed the present notes become payable
is concluded on this subject, the certificate of deposit, &c.,
by the 31st, or the authority of the department will have
new notes.

I am, &c.,

LEVI WOOD
Secretary of the

GEORGE NEWBOLD, Esq.,
President Bank of America, New York.

L 15.

BANK OF AMERICA, *December*

SIR: I have the honor to acknowledge the receipt of your
24th instant; and I beg to say, in reply, that I understood
contained in your letter of the 22d instant, in reference to
of the two millions of Treasury notes now to be issued,
agreement or understanding that the Treasury should retain
redeem them, at pleasure, before they become due any time
when the outstanding notes now to be redeemed become
is, after the months of May, June, July, and August next
probable time would be during the last quarter of the year.

It was to such a condition or understanding that I expressed
objection; and I briefly stated the reasons why it would,
prevent the accomplishment of the desired arrangement; and
to add, in substance, that as it would be the last quarter
before the Treasury notes would be issued.

on, there is also the objectionable consideration that the holder know when the money will be paid to him ; and the fact that it is paid when he would not wish to receive it, or at a time when he not be prepared to make a new and satisfactory investment of the t, would operate as a strong and decided objection to his receiving es upon the condition named. We therefore think the condition tion an insuperable objection to the arrangement desired.

ving that you may be willing, as I have already suggested in my of the 24th instant, to omit the condition entirely, and seeing that ; but a short time allowed for effecting the arrangement, we have, formity with your suggestion, placed the sum of two millions of to the credit of the Treasurer of the United States, in special t, and I have [sent] you enclosed our cashier's certificate thereof. u shall conclude to make the arrangement upon the basis named letter of the 24th instant, you will be pleased to direct the Treasury o be sent to this bank ; and, on the other hand, if the arrangement carried into effect, you will please return the enclosed certificate cancelled.

ve the honor to remain, very respectfully, your obedient servant,
GEO. NEWBOLD, *President.*

. LEVI WOODBURY,
Secretary of the Treasury U. S., Washington.

L 16.

TREASURY DEPARTMENT, *December 28, 1838.*

I have to acknowledge the receipt of your letter of the 26th in- with its enclosure. As I do not feel justified in making an arrange- or the issue of new Treasury notes, in lieu of those outstanding, any other basis than that proposed and explained in my letter of h instant, I herewith return the certificate of deposite, to be can- by your bank.

ret that you should have incurred so much trouble in making ements, and feel greatly obliged by the prompt consideration which en bestowed upon the subject.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

ERGE NEWBOLD, Esq.,
President of the Bank of America, New York.

L 17.

BANK OF AMERICA, *December 28, 1838.*

I wrote you yesterday, and informed you that we had placed the f two millions of dollars to the credit of the Treasurer of the United in special account, in conformity to your suggestion in letter of h instant ; and I enclosed our cashier's certificate thereof accord-

I have the honor to remain, very respectfully, your obedient servant,
GEO. NEWBOLD

Hon. LEVI WOODBURY,
Secretary of the Treasury U. S., Washington.

1. 18.

BANK OF AMERICA, *Decem*

SIR: Your second favor of the 26th instant is received that, in consequence of there being no schedule in detail of the Treasury notes that we have redeemed and cancelled, a delay is required for examination and settlement of the same, and therefore, to inform you, in reply, that for the purpose of examination at the Treasury, we have transmitted, with the Treasury notes that we have redeemed and forwarded, a statement of the notes, specifying the amount and the number of each of payment, the number of days for which interest has accrued, and the amount of interest on each note, or on all such notes due on the same day. We supposed such statement to be required for a ready and convenient examination of the notes.

In reply to your inquiry whether we can conveniently purchase a million of dollars of the outstanding Treasury notes previous to the 1st day of July next, the purchase not to exceed \$100,000 per week, I have the pleasure to say that I do not doubt that we can purchase one million of dollars of the Treasury notes described, if possible that we may be enabled to do so in the weekly instalments you wish; but the latter is doubtful, for I am inclined to think that it will require rather more time to obtain the whole amount.

L 19.

BANK OF AMERICA, *December 31, 1838.*

∴ I have received your favor of the 28th instant, returning the certificate of deposit that I forwarded you on the 26th, and we cancel it accordingly. I regret that an arrangement for the exchange of Treasury notes could not be effected upon a basis satisfactory to you. I could have paid to you at once \$1,800,000 of those due in June and July next.

I have the honor to remain, very respectfully, your obedient servant,
GEO. NEWBOLD, *President.*

1. LEVI WOODBURY,
Secretary of the Treasury U. S., Washington.

L 20.

TREASURY DEPARTMENT, *December 31, 1838.*

∴ I have to acknowledge the receipt of your letter of the 29th instant. I have from the accounting officers, in reply to the inquiries as to the cause of delay in carrying the Treasury notes taken up by you to the credit of your bank, that I received the information as to the want of a schedule. It seems that it was a schedule *in a particular form*, to which reference was made by them.

Assurances have been given that the making such a schedule will require no more time than one of the kind transmitted by you with the notes taken up, I have requested a parcel of the forms to be made up, which I will send by this mail; and if you find that your clerks can use them in their accounts, without much sacrifice of time, I will be obliged if you will request them to do so, as it will save the delay of making out new schedules by the accounting officers, previous to a settlement of the notes.

So understand that the principle adopted by your bank, for the computation of interest by days alone, is not precisely that of the accounting office, though the practical result differs but very little—sometimes a trifle on one side, and sometimes a trifle on the other. Their rule, which it

has been established from the foundation of the Government, is to compute interest by months, where the securities run for entire months only; or the odd days beyond entire months, if any occur, for their proper part of 365 days, as you have computed. But the interest by days is computed in that manner for the number short of an entire month.

The purchase of a million of Treasury notes of the new issue, falling previous to the 1st day of July, can be effected at par, as you suggest, I am thankful if you will effect it, at a rate not exceeding \$200,000 in any week, and will keep you supplied with adequate funds for the purpose.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

GEORGE NEWBOLD, Esq.

S. It has just been suggested from the Auditor's office, relative to the blank schedules, should you find it convenient to adopt them, that the readings should be left blank; and that a separate schedule should be made for notes dated before and those after the 1st of May last, that being the date of the commencement of the new issue.

L. W.

...of redeeming them belongs to that body, rather than to me.
I have brought the subject to the attention of the Committee
in both Houses, by letters addressed to the respective chairmen.
If the provision requested by me be adopted, I shall be happy
to the arrangement proposed.

I am, &c.

LEVI WOOD
Secretary of the

GEORGE NEWBOLD, Esq.

P. S. I shall be happy to redeem, at any time, small amounts
of notes falling due before the 1st day of July, if you can find
and our funds continue to hold out.

L 22.

*The annexed letter, dated February 18, 1839, was addressed to the
following institutions, viz: Bank of America, New York;
Bank of Albany, New York; Merchants' Bank, Boston;
Farmers' Bank, Albany, New York; Piscataqua Bank,
New Hampshire; Commercial Bank, Portsmouth, New
Hampshire; Bank of Virginia, Richmond; Franklin Bank, Baltimore;
and the Bank of Philadelphia.*

TREASURY DEPARTMENT, *February*

SIR: It appears to be probable that the bill now before Congress
authorizing the department to issue the Treasury notes authorized
of May last, which were not required for the service of the last
year, will come a law. These Treasury notes will probably be wanted
for the service of the Government.

The object of this letter is to inquire whether your bank will be willing to place to the credit of the 'Treasurer, in special deposit, a portion of the sum which may now be required for disbursement in your section of the country, in exchange for 'Treasury notes bearing interest at the rate of 6 per cent., under the express stipulation that they may be redeemed by the department, one half of the amount at such time after the 1st of August next as may be convenient, and the other half after the 1st of October next. Should your bank be inclined to make an exchange on these terms, I thank you to inform me, at your earliest convenience, of the sum you are disposed to exchange, under this stipulation, in order that the necessary arrangements may be made to complete it, if then mutually acceptable, immediately on the passage of the act, should it become a law.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

S. Should you find it convenient, I will thank you to make inquiries of persons who would be likely to make special deposit with your bank on those terms.

L. W.

L 23.

BANK OF AMERICA, *February 21, 1839.*

R: I have received your favor of the 18th instant, advising me of the probability that the 'Treasury Department will be empowered to issue the limiting amount of 'Treasury notes authorized by the law of May last; you request me to inform you whether this bank will take any, and the amount, of said notes, under an express stipulation that the 'Treasury redeem them after the 1st of August and the 1st of October next.

In reply, I have the pleasure to inform you that this bank will agree to place to the credit of the 'Treasurer of the United States, in special deposit, the sum of two millions of dollars, in exchange for an equal amount of 6 per cent. 'Treasury notes, under the express stipulation that the 'Treasury Department may redeem one-half of the amount on the 1st of August; or, if the bank shall then hold more than one million of said notes, and in that case, the Treasury may redeem all then held by the bank.

I suggest this modification of your proposition, because it may be necessary for us to sell a portion of the notes before the 1st of August next, and cannot readily dispose of them under a condition that the 'Treasury Department may redeem them as stated in your letter. We will, however, on any sales of the notes, endeavor to obtain a stipulation that the 'Treasury may redeem them in the manner you propose.

If it shall be your wish to issue, in addition to these two millions, a further amount, in exchange for 'Treasury notes due in May, June, and July, I believe that I can effect an exchange for you to the extent of one million—perhaps one million and a half; and it is possible that I may be enabled to do so, on the condition that a part of the new notes shall be re-

deemable as you desire. On this point, if you shall think proper to me, or express to me your wishes, I will endeavor to effect an arrangement in conformity.

I have the honor to remain, very respectfully, your obedient servant
GEO. NEWBOLD, *President*

Hon. LEVI WOODBURY,
Secretary of the Treasury U. S., Washington.

L 24.

TREASURY DEPARTMENT, *February 23,*

SIR: I have to acknowledge the receipt of your letter of the 21st and shall be happy to communicate further with you on the subject of the bill referred to in mine of the 18th become a law.

In the mean time, I will thank you to make further inquiries into the practicability of making the exchange of the portion of the notes falling due in May, June, and July, for such as may now be authorized to be issued under the stipulation for redemption suggested in my letter.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury

GEORGE NEWBOLD, Esq.,
President Bank of America, New York.

L 25.

BANK OF AMERICA, *February 25,*

SIR: I have received your favor of the 23d instant, and, agree to your request, I will endeavor to ascertain whether an exchange of Treasury notes falling due in May, June, and July next, can be made for new notes, now to be issued, under the stipulation for redemption suggested in your letter of the 18th instant.

In the mean time, I request of you the favor to inform me what you will be authorized and intend to issue, if the bill shall become a law. It may be important that I should be enabled to state that fact, in order to facilitate the negotiation for an exchange. I have assumed the amount to be about three and a half millions, but some persons here have stated that five or six millions will be issued. If not improper, please state the correct amount.

I have the honor to remain, very respectfully, your obedient servant
GEO. NEWBOLD, *President*

Hon. LEVI WOODBURY,
Secretary of the Treasury U. S., Washington.

L 26.

TREASURY DEPARTMENT, *February 27,*

SIR: In reply to your inquiry, contained in your letter of the 23d instant, I have to state that the maximum amount of Treasury notes that can be issued under the proposed bill is about four millions of dollars.

may not find it necessary to issue the whole of this sum, in case the bill should pass, as we shall not go beyond the amount required by the exigencies of the public service.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

MORGE NEWBOLD, Esq.,
President Bank of America, New York.

L 27.

BANK OF AMERICA, *March 2, 1839.*

SIR: I have, in conformity with your request, endeavored to ascertain whether an exchange of Treasury notes falling due in May, June, and July can be made for six per cent. Treasury notes now to be issued, under condition that the latter may be redeemed by the Treasury Department—half after the 1st of August, and the other half after the 1st of October—and the result of the inquiries that I have made has convinced me that an exchange cannot be made, of any considerable amount, under the condition suggested. The persons whom I have consulted and inquired of, who hold nearly one million and a half of Treasury notes, wholly decline the proposition; assuring me that they could not agree to it, even on condition that the Treasury *may* redeem one-half of the amount of the notes. They say that the uncertainty of the time for redemption that will exist under such an agreement would be embarrassing and injurious, and would wholly prevent them from making the notes available as business should require; it would, therefore, impose upon them the necessity of holding the notes, and that upon the uncertainty of when they would be paid.

Messrs. Prime, Ward, & King hold from one million to one and a half million of dollars of six per cent. Treasury notes falling due in May, June, and July next; and they inform me that they will agree to exchange them for new six per cent. notes payable in twelve months, without any condition ever for their previous redemption; or they will agree to make the exchange, under an agreement on your part (if you shall think proper to make it) that the new notes shall certainly be redeemed by the Treasury on the 1st of August and the 1st of October next—say one-half of the amount on each of those days; but they wholly decline to assent to an exchange upon any condition or understanding that the Treasury may or may not redeem the new notes at any time after the days mentioned, and previous to their maturity.

I have the honor to remain, very respectfully, your obedient servant,
GEO. NEWBOLD, *President.*

Yours, LEVI WOODBURY,
Secretary of the Treasury U. S., Washington.

L 28.

TREASURY DEPARTMENT, *March 4, 1839.*

SIR: I have to acknowledge the receipt of your letter of the 2d instant, and cannot assent to the proposition for the exchange of Treasury notes

therein contained, without further inquiry, and until I may with more accuracy as to the extent of the liabilities and Treasury during the season.

I am, &c.,

LEVI WOODE
Secretary of t

GEORGE NEWBOLD, Esq.,
President Bank of America, New York.

P. S. I hope in a few days to be able to write on this subject and explicitly.

L 28½.

TREASURY DEPARTMENT, M

SIR: In further explanation on the subject of Treasury observe, that at present I do not feel justified in making any beyond such as follow:

If the Bank of America will cancel and remit here three-fourths of old Treasury notes of either emission, but issued before July last, I will send, instead of the amount of principal of Treasury notes bearing date the day you cancel and remit understanding is, that the bank will hold these so that I will pay half by the 1st day of October, if in funds, and the other half by November; and if I conclude to redeem, the bank shall receive previous notice.

Respectfully, yours,

LEVI W

GEORGE NEWBOLD, Esq.

P. S. In a few weeks I can decide as to more notes.

L 29.

BANK OF AMERICA, M

SIR: I have received your favor of the 6th instant, and am sure to inform you, in reply, that we will agree to exchange Treasury notes now held by the bank, for new six per cent. notes issued with the understanding that the Treasury may red-

L 30.

TREASURY DEPARTMENT, *March 11, 1839.*

SIR: I have to acknowledge the receipt of your letter of the 8th instant, relating to the proposition to exchange the Treasury notes held by your bank, (say \$450,000,) due in May and June next, for new Treasury notes, under the stipulation that the department may redeem them, at its option, half on the 1st of October, and the other half on the 1st of November next.

On making up the schedules, you can place the amount due on the day which interest is computed, to the credit of the Treasurer in special deposit, and he will issue Treasury notes bearing that date for the amount; and on the verification of your statement by the accounting officers, a draft will be placed upon the deposit in your favor for the amounts; this seems to be the readiest mode of making the proposed exchange.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

GEORGE NEWBOLD, Esq.

President of the Bank of America, N. Y.

P. S. We should be happy to have you take up, at par, weekly, \$50,000 Treasury notes falling due at any time before the 1st of July, and to cancel, and remit them here immediately. If you can get those due before the 1st of May, you can take up \$100,000 weekly, until otherwise directed, provided you can find as many.

L. W.

L 31.

BANK OF AMERICA, *March 13, 1839.*

SIR: I have received your favor of the 11th instant; and, in reply, I have the pleasure to inform you that we forward to your address, by the mail of this day, two sealed packets, A No. 11, and B No. 11, containing Treasury notes of the second emission, amounting to

-	-	\$450,000 00
-	-	21,015 00

paid thereon to this day

\$471,015 00

These notes are all cancelled, and are forwarded for redemption for account of this bank, under the agreement made by us on the 8th instant, and referred to in your letter of the 11th. A schedule of the notes is enclosed in one of the packets.

We have this day placed the sum of \$471,015 to the credit of the Treasurer of the United States, in special deposit, and for which sum you will be pleased to direct Treasury notes bearing 6 per cent. interest, and dated this day, to be issued and forwarded to this bank, in conformity with the existing agreement; the whole may be in notes of \$1,000 each, or they may all be of \$5,000 each, if they can be so made, and to be made payable

to the order of D. Thompson. We will immediately commence the purchase and redemption of Treasury notes, agreeably to your request. We will endeavor to procure the weekly amount mentioned in your letter.

I have the honor to remain, very respectfully, your obedient servant.

GEO. NEWBOLD, *President*

Hon. LEVI WOODBURY,

Secretary of the Treasury U. S., Washington.

P. S. I enclose our cashier's certificate of the deposit of \$471,015, mentioned in this letter.

Yours,

G.

Certificate.

BANK OF AMERICA,

New York, March 13, 18

I do hereby certify that the sum of four hundred and seventy thousand and fifteen dollars has this day been placed to the credit of the Treasurer of the United States, in special deposit, in this bank.
\$471,015.

D. THOMPSON, *Cashier*

L 32.

TREASURY DEPARTMENT, *April 26, 18*

SIR: As the time approaches when most of the outstanding Treasury notes issued last year fall due, I am desirous to adopt some definite arrangements for meeting them, with as little general disturbance to the monetary system of the commercial community as may be practicable. I will, therefore, be obliged to you if you will inform me, at your earliest convenience, whether your bank will be disposed to procure and surrender \$750,000 of these Treasury notes, in exchange for new notes under the late law, bearing interest at the rate of 6 per cent., to be held under the stipulation that this department, if in funds, may redeem them during the last quarter of the present year.

If it will not be convenient for your bank to undertake the procuring of the amount of the outstanding notes, I shall be glad to be informed whether your bank will place \$750,000 to the credit of the Treasurer, in special deposit, in exchange for a similar amount of new Treasury notes, to be held under a similar stipulation, as to the liberty of redeeming them the last quarter, in order to furnish ample means for redeeming such notes as fall due, without pressing too severely upon our available balances, which may become necessary for the current expenditures of the public service.

I am, &c.,

LEVI WOODBURY,

Secretary of the Treasury

GEORGE NEWBOLD, Esq.,

President Bank of America, New York.

L 33.

BANK OF AMERICA, April 30, 1839.

: I have received your favor of the 26th instant, relative to the redemption of outstanding Treasury notes and the issue of new ones ; and, having consulted of Messrs. Prime, Ward, & King, who hold on foreign account one million dollars of Treasury notes due on the 2d June next, and, also, of a number of other persons holding smaller amounts due in May, June, and I find that it will be impossible to effect, at this time, the exchange proposed in your letter, under a condition that the notes to be issued shall be so that the Treasury Department may redeem them, if in funds, during the last quarter of the present year. All the holders, whom I have consulted, directly object to the condition that would oblige them to hold the notes for the period specified, as they wish to be at liberty to render their investments available, as circumstances shall require, or as their interest or convenience shall dictate. If you could make the notes payable at the time specified, all difficulty would be thereby removed.

In reply to your inquiry whether this bank will agree to deposit \$1,500,000, or other sum, to the credit of the special account of the Treasurer of the United States, and receive the amount in Treasury notes, on condition that the Treasury Department may redeem the notes during the last quarter of the present year, I must beg to say that we could not venture to make the arrangement for any large amount beyond that now held by the bank under the like condition. I have, however, the pleasure to add, in order to meet your views and effect your object as fully and effectually as it may be in our power, we are willing to make an agreement as follows :

You will waive the condition alluded to, for the optional redemption of the notes, we will agree to deposit the sum of \$1,500,000 to the credit of the special account of the Treasurer of the United States, and will receive an interest of 6 per cent. Treasury notes ; and we will agree to surrender to the Treasury for redemption, any time during the last quarter of the present year, or at any other time, all the Treasury notes that we may have sold ; and we will faithfully endeavor to retain, for that purpose, as much an amount as possible. We shall probably, however, find it necessary to reserve some of the notes, in order to protect and keep on hand, at all times, an ample supply of specie, and to maintain the bank in a strong and sound condition ; and, whenever we shall make sale of any of the notes, we will endeavor to obtain from the purchaser such a condition as will enable us to include them in the amount that the Treasury may redeem at the time specified.

Believing that this arrangement would mainly, perhaps effectually, accomplish the object that you have in view, I shall be pleased to learn that it will be with your approbation and acceptance.

I have the honor to remain, very respectfully, your obedient servant,
GEORGE NEWBOLD, President.

D. LEVI WOODBURY,
Secretary of the Treasury U. S., Washington.

L 35.

BANK OF AMERICA, /

SIR: Referring to our recent correspondence in relation to new Treasury notes, and the redemption of those now outstanding, we now have the pleasure to submit to you the following proposition:

This bank will agree to receive one million of dollars of five per cent. Treasury notes, or such other sum as you may wish, not exceeding one and a half million, and will place the amount in the Treasury of the United States, in special deposit; and when you advise us, after the expiration of four months, giving us six months of the time for redemption, we will engage to furnish you with the amount at par; and if we shall not be able to command for that purpose the amount at that time, we will further agree that we will supply you with the balance, and that the interest thereon to be paid by the Treasury shall cease on the day that you shall have specified the redemption of the notes; or, in other words, that this bank will engage to pay the interest that shall accrue on the notes from and after the date of our accounts, on transmitting the notes to the Treasury, as ordered in conformity: it being understood, however, in this arrangement, that the funds that you may set apart or intend for the redemption of the notes, shall rest with the bank for the purpose.

You will perceive that this arrangement will effect your object in protecting the Treasury from the payment of interest after the expiration of the period provided for the redemption of the notes, and will also, and finally, leave the bank at liberty to make the Treasury notes avail-

L 36.

TREASURY DEPARTMENT, *May 16, 1839.*

SIR: Your proposition, under date of the 14th instant, is accepted, as I am anxious to make a final arrangement, which shall obviate any pressure in the money market by means of the large redemption of Treasury notes, rendered indispensable in so short a period as the ensuing days.

You can, therefore, pass to the credit of the Treasurer, in special deposit, one million and a quarter of dollars, and remit a certificate of it here to me, and he will at once forward new Treasury notes to that amount, bearing six per cent. interest.

With these funds I wish you to take up, as soon as practicable, the million of notes held by Prime & Co., and with the rest to redeem other Treasury notes as they fall due and are offered at your bank.

Anticipate no farther trouble in disposing of the whole mass of old Treasury notes still out, and at the same time meeting the large current expenditures of the department; though at times your bank may be drawn upon considerably in the operation, but I trust not immediately.

Probably in the course of June I may wish you to take the other quarter of a million of dollars on the same terms; and, indeed, you may consider that as now arranged and to be completed, as soon as enough of the old emission are redeemed to justify it.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

GEORGE NEWBOLD, Esq.,

President of the Bank of America, New York.

L 37.
BANK OF AMERICA, *May 17, 1839.*

SIR: I have the pleasure to acknowledge the receipt of your favor of the 14th instant, advising me of your acceptance of our proposition relative to Treasury notes, as contained in my letter to you of the 14th instant.

We have, therefore, in conformity with the agreement, this day placed to the credit of the Treasurer of the United States, in special deposit, the sum of one million two hundred and fifty thousand dollars; and I shall forward to the Treasurer our cashier's certificate thereof, agreeably to your request.

You will be pleased to have the Treasury notes made payable to D. D. Rippon, dated this day, and all to be of the denomination of one thousand dollars each.

You shall lose no time in commencing a negotiation with Messrs. Prime, Smith, & King, for the one million of Treasury notes held by them; and when as it shall be concluded, I will advise you thereof.

It will be an accommodation to us to receive a portion of the new Treasury notes as early as they can be conveniently made and furnished; and I therefore respectfully request that the amount of five hundred thousand

SIR: I have to acknowledge the receipt, this morning, the 17th instant.

The Treasurer will transmit you, by to-day's mail, Treasury notes, and the balance of the half million with

If you are willing to take (say) \$600,000 of the new notes of \$10,000 each, the issue may be closed immediately. Some little time will elapse before we shall be able to issue notes for the whole amount. Pray let me know how they will serve your purposes.

I am, &c.

LEVI WOODBURY
Secretary of

GEORGE NEWBOLD, Esq.
President Bank of America, New York.

L 39.

BANK OF AMERICA, N. Y.

SIR: I have made an agreement with Messrs. Prime, Valdes & Co. to give them new Treasury notes for the Treasury notes now on foreign account, amounting to one million of dollars, on the 2d of June; and I have the pleasure to add, that the latter will be taken up and cancelled by this bank immediately upon the receipt of new notes from the Treasury Department.

I have the honor to remain, very respectfully, your obedient servant,

GEORGE NEWBOLD

Hon. Levi Woodbury

transmission would necessarily be delayed to the next day, when he would forward to us the sum of \$500,000 in Treasury notes; we shall therefore receive them to-morrow, without doubt.

In reply to your inquiry concerning the denomination of the notes, I have the pleasure to say that we are quite willing to receive the whole of the remaining sum in notes of \$10,000 each. I mentioned in a former letter notes of \$1,000 each, merely to show that we had no wish for any notes of a smaller denomination than \$1,000.

I have the honor to remain, very respectfully, your obedient servant,
GEORGE NEWBOLD, *President.*

Hon. LEVI WOODBURY,
Secretary of the Treasury U. S., Washington.

L 41.

TREASURY DEPARTMENT, *May 24, 1839.*

SIR: I have to acknowledge the receipt of your letter of the 22d instant; and the cancelled Treasury notes, of which the principal is 7,195, have been referred to the proper accounting officers for settlement in your favor.

The balance of the new Treasury notes, to be issued upon the deposit of the 17th instant, will be sent from the Treasurer's office by to-morrow, I understand.

Agreeably to your request, a small parcel of forms has been sent to our cashier. More will be transmitted, if needed, as soon as a new supply of blanks shall be printed.

I am, &c.

LEVI WOODBURY,
Secretary of the Treasury.

GEORGE NEWBOLD, Esq.,
President of the Bank of America, New York.

L 42.

BANK OF AMERICA, *May 24, 1839.*

SIR: I forward to your address, by this day's mail, a packet (No. 24) containing Treasury notes—

Of the first emission	-	-	\$18,844 06	
Interest	-	-	1,108 14	
			<hr/>	\$19,952 20
And of the second emission	-	-	172,500 10	
Interest	-	-	10,349 55	
			<hr/>	182,849 55
			<hr/>	
			Making	\$202,801 75

Treasury notes which have been redeemed and cancelled by this bank. We shall this day receive from Messrs. Prime, Ward, & King, \$500,000 of the Treasury notes due on the 2d of next month, which we will can-

cel and forward to you as soon as we can make out a schedule of them. The remaining \$500,000 in their hands will be surrendered to us in redemption as soon as we shall receive the balance of the new notes from the Treasurer.

I have the honor to remain, very respectfully, your obedient servant,
GEORGE NEWBOLD, President.

Hon. LEVI WOODBURY,
Secretary of the Treasury U. S., Washington.

L 43.

Extract, dated

TREASURY DEPARTMENT, May 27, 1833.

SIR: The balance of the million and a quarter of new Treasury notes was forwarded on Friday.

I am, &c.

LEVI WOODBURY,
Secretary of the Treasury.

GEORGE NEWBOLD, Esq.,
President of the Bank of America, New York.

L 44.

TREASURY DEPARTMENT, June 10, 1833.

SIR: In my letter of the 16th of May, in reply to your proposition to take a million and a half of the new Treasury notes, it was proposed that a million and a quarter be immediately issued in your favor, and that the remaining \$250,000 would be issued on the same terms, whenever enough of the first emission should be redeemed. This arrangement having been completed, excepting so far as relates to the last \$250,000, it has become desirable to know whether your bank considers that part of the arrangement as definitively settled. If so, it will be best, perhaps, to carry the sum to the credit of the Treasurer at once, and the notes can be issued as fast as our returns of redemptions will justify; and if, at the end of the month, when the power to issue shall be closed, it shall appear that a sufficient sum has not been redeemed to justify the whole amount to be issued, directions will be given to make the proper counter-entries for such sum as the Treasury notes shall not cover.

I throw out this suggestion at this time, for a two-fold object: in order, first, that if your bank intended to be understood as taking the \$250,000, proper steps for making the issue may be commenced in convenient season; and, secondly, if your bank does not wish to take this additional sum, that arrangements may be immediately closed here, to accept some of the propositions made by other parties, and not yet finally determined on. I will therefore thank you to apprise me of the steps you expect to take in the matter, without delay.

I am, &c.

LEVI WOODBURY,
Secretary of the Treasury.

GEORGE NEWBOLD, Esq.,
President of the Bank of America, New York.

L 45.

BANK OF AMERICA, *June 12, 1839.*

R: I have received your favor of the 10th instant, in reference to the issuing \$250,000 of new Treasury notes, referred to in your letter of the ult.; and I have the pleasure to inform you, in reply, that this bank will them on the same terms and conditions that apply to the one million a quarter taken by us last month. Indeed, I considered the arrangement made was for \$1,500,000, provided you should conclude to issue the issuing \$250,000. Your letter of the 16th May so expressed it, and it was in accordance with our proposition. We have, therefore, this placed the sum of \$250,000 to the credit of the Treasurer of the United States, in special deposit; and I transmit, enclosed, our cashier's certificate of. The Treasury notes may all be for \$10,000 each.

I have the honor to remain, very respectfully, your obedient servant,
GEO. NEWBOLD, *President.*

M. LEVI WOODBURY,
Secretary of the Treasury U. S., Washington.

L 46.

TREASURY DEPARTMENT, *June 15, 1839.*

R: I have to acknowledge the receipt of your letter of the 12th, enclosing the certificate of your cashier for the deposit of \$250,000 to the credit of the Treasurer, to be exchanged for 6 per cent. Treasury notes. The amount that can be issued under the existing state of the redemption of the notes will be forthwith transmitted; and as old ones shall be returned, which may justify further issues upon this deposit, they will be made bear interest and interest after such redemption at the Treasury, it being the longest period authorized by law.

I am, &c.

LEVI WOODBURY,
Secretary of the Treasury.

GEORGE NEWBOLD, Esq.
President Bank of America, New York.

M 1.

COMMERCIAL BANK,
Portsmouth, February 22, 1839.

R; I have received your letter of the 18th inst., inquiring whether the Bank would be willing to place to the credit of the Treasurer, in special deposit, a portion of the amount of Treasury notes which may be issued, should the bill now before Congress become a law.

In reply to which, I have the honor to state that the Commercial Bank will place to the credit of the Treasurer of the United States, in special deposit, forty thousand dollars, on receipt of that amount in Treasury notes, on the terms stipulated by you, to be drawn for by the Treasurer as the

M 2.

TREASURY DEPARTMENT, 1

SIR: Your letter of the 22d of February came to hand. The law authorizing the further issue of Treasury notes having passed, I shall be happy to direct the Treasurer to under the stipulation for redemption contained in mine of upon the receipt of the certificate of your cashier that the to the credit of the Treasurer, in special deposite.

The Treasury notes will bear the same date with the ce ite, the amount of which will be drawn for as required for vice. Should the exchange of a further amount become n dient, I shall take pleasure in advising you.

I am, &c.

LEVI WOOD

Secretary of

ISAAC WALDRON, Esq.,

President of the Commercial Bank, Portsmouth

M 3.

PORTSMOUTH, 1

SIR: I had the honor to receive your letter of the 4th i with forward a certificate of deposite from the cashier of Bank placing twenty thousand dollars on special deposite

[See letter to Bank of America, L 22.]

N 1.

FRANKLIN BANK OF BALTIMORE,
February 19, 1839.

R: I have to acknowledge the receipt of your favor of the 18th inst. This institution has every disposition to facilitate the fiscal operations of the department, to the full extent that its means will justify; circumscribed, however, in its ability, by the moderate amount of its capital, would be imprudent in me to pledge the bank, *specifically*, in the proposed arrangement, to so great an extent as you might desire. I will, however, if agreeable to you, undertake to place at once to the credit of the Treasurer, on the terms proposed, the sum of one hundred thousand dollars, to be drawn for as the disbursements in this section may render necessary, with the understanding that such additional amounts as occasion may require, and the resources of the bank may justify, shall hereafter be credited to his account on similar conditions.

With much respect, I have the honor to be, your obedient servant,
JAMES HOWARD, *President*.

DR. LEVI WOODBURY,
Secretary of the Treasury.

N 2.

TREASURY DEPARTMENT, May 2, 1839.

R: Will you please to inform me what, if any, amount of money (or Treasury notes surrendered) you will be willing, on the 1st of the ensuing month, to place to the credit of the Treasurer of the United States special deposite, on receiving new Treasury notes, subject to redemption at any time in the last quarter of this year, if the Treasury can then command funds for that purpose?

I am, &c.,
LEVI WOODBURY,
Secretary of the Treasury.

TO THE CASHIER of the Franklin Bank, Baltimore.

N 3.

FRANKLIN BANK OF BALTIMORE,
May 3, 1839.

R: I have the honor to acknowledge the receipt of your favor of the instant. In reply, I am instructed to say that \$50,000 will be placed to the credit of the Treasurer of the United States, in this institution, on the 1st of the ensuing month, (or \$100,000 if more desirable to your views,) as a "special deposite"—if the latter sum is selected, an early reply is respectfully solicited; receiving for the same new Treasury notes bearing

an interest of six per cent. per annum, "subject to redemption at any time in the last quarter of this year, if the Treasury can then command funds for that purpose."

I have the honor to be, very respectfully, your obedient servant,
JAMES L. HAWKINS, *Cashier.*

Hon. LEVI WOODBURY,
Secretary of the Treasury, Washington.

N 4.

TREASURY DEPARTMENT, *May 4, 1831*

SIR: I have to acknowledge the receipt of your letter of the 3d instant, and accept of your proposal to place \$100,000, on special deposit, to the credit of the Treasurer of the United States, on the 1st of the coming month, agreeably to the terms specified in your letter.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

The CASHIER of the *Franklin Bank, Baltimore.*

N 5.

WASHINGTON CITY, *May 29, 1831*

DEAR SIR: I enclose a letter of James L. Hawkins, cashier of the Franklin Bank, Baltimore, agreeing to transfer the \$100,000 Treasury notes, as proposed to be issued, to me, provided it meets your approval.

I remain, very respectfully, your obedient servant,

W. W. CORCORAN

Hon. LEVI WOODBURY,
Secretary of the Treasury, Washington.

FRANKLIN BANK OF BALTIMORE,
May 28, 1831

DEAR SIR: I have received your favor of the 27th instant. In reply, I have to observe that this institution, in agreeing to take the \$100,000 of Treasury notes, on the 1st of June, from the Secretary of the Treasury, was done with a view to accommodate the Treasury Department as much as any thing else.

However, as you appear to be desirous to get that amount, with the approbation of the Secretary of the Treasury, we have no objection to their being handed to you.

Very respectfully, your obedient servant,

JAMES L. HAWKINS, *Cashier.*

W. W. CORCORAN, Esq., *Washington.*

O 1.

PHOENIX BANK,
Hartford, (Conn.,) May 1, 1839.

SIR: This bank has held a considerable amount of United States Treasury notes the last year, and has now about one hundred thousand dollars hand, bearing interest at six per cent. per annum. Sixty-five thousand dollars of this amount is due and payable the 20th and 21st of June next. Being desirous of holding the amount as long as they draw the same rate of interest, I am desirous of exchanging those payable in June for others running a longer time to run. Permit me to inquire whether the Treasury Department will, when due, or any time prior thereto, give me those of longer date in exchange. I should be glad of those having at least a year to run.

Very respectfully, &c.

GEORGE BEACH, *President.*

Hon. LEVI WOODBURY,
Secretary of the Treasury.

O 2.

TREASURY DEPARTMENT, May 4, 1839.

SIR: I have to acknowledge the receipt of your letter of the 1st instant. This department will give new Treasury notes, having a year to run, in exchange for the Treasury notes that fall due in June next, if the bank will agree to hold the new Treasury notes, and permit the department to redeem them, if it has funds for that purpose, at any time after the 1st of October next, on giving thirty days' notice; or, the department will pay the money now in New York for the old Treasury notes which the bank holds.

It is not in my power to offer any better terms than these.

I am, &c.

LEVI WOODBURY,
Secretary of the Treasury.

The PRESIDENT of the *Phoenix Bank,*
Hartford, Conn.

O 3.

PHOENIX BANK,
Hartford, (Conn.,) May 8, 1839.

SIR: I have received your favor of the 4th instant. The conditions on which you agree to exchange the Treasury notes are satisfactory. Please say if the present time, or when the notes we have are due, will be most agreeable to you to make the exchange, and what course I shall take to effect the exchange.

I am, &c.

GEORGE BEACH, *President.*

Hon. LEVI WOODBURY,
Secretary of the Treasury.

will bear date the same day.

I am, &c.

LEVI W
Secretary of

The **PRESIDENT** of the *Phoenix Bank,*
Hartford, Connecticut.

O 5.

PHOENIX
Hartford, (Conn.,

SIR: I duly received your favor of the 11th instant, in
to your instructions, send herewith *seventy-eight* Treas
Twenty-six of five hundred dollars each - - -
Fifty-two of one thousand dollars - - -
Interest on the same, computed to 21st instant - -
Making the sum of \$68,560 67, as per accompanying m

If agreeable to you to send new notes for the whole
interest, please do so; if not, you will oblige me by a
New York for the interest.

With respect, &c.

GEORGE BEA

Hon. LEVI WOODBURY,
Secretary of the Treasury.

O 6

P 1.

TREASURY DEPARTMENT, *June 22, 1838.*

: Your letter of the 18th instant, inquiring if you could receive Treasury notes for a further special deposit in specie, to the extent of \$10 to \$25,000, has been received.

I have the pleasure of replying that you can.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

RUEL LORD, Esq.,
Portsmouth, New Hampshire.

The letter to which this is a reply, in part, was a private communication.

[See letter to Bank of America, L. 22.]

P 2.

PISCATAQUA BANK, *February 22, 1839.*

: Yours of the 18th inst. has been received. I herewith enclose a certificate of special deposit of \$50,000 to the credit of the Treasurer of the United States, for you to retain or return as you please. The certificate is added, that, if funds here are now wanted, the Treasurer may draw forth-

the course of business would admit the disbursing officers of the Government to deposit their drafts with us, and check for the same as wanted, and *increase* the sum to your probable wants; and you may put us for \$50,000 to \$150,000, as such an arrangement may or may not be convenient.

I am, with much respect, your obedient servant,

SAMUEL LORD, *Cashier.*

1. LEVI WOODBURY,
Secretary of the Treasury.

P 3.PORTSMOUTH, *May 28, 1839.*

DEAR SIR: If the department should want funds in this place the coming year, I should be happy to take \$20,000 of Treasury notes any time the 1st of June, and would agree to hold them for one year, redeemable at my pleasure, at your pleasure, in the course of the year. The amount to be placed in special deposit, to the credit of the Treasurer of the United States, at the Piscataqua Bank. The Treasury notes would be holden by the Bank.

Yours, &c.

SAMUEL LORD.

2. LEVI WOODBURY,
Secretary of the Treasury.

SAMUEL LORD, Esq.,
Portsmouth, New Hampshire.

Q 1.

MANHATTAN C
New York,

SIR: Will you be pleased to inform me whether I am
more specie in deposit to the credit of the Treasurer of the
and give certificates of deposit for the same, to enable them to
purchase Treasury notes bearing interest at the rate of 6 per cent
for the amount?

I have the honor, &c.

ROBT. V
Cashier Manhattan

Hon. LEVI WOODBURY,
Secretary of the Treasury.

Q 2.

TREASURY DEPARTMENT

SIR: I have to acknowledge the receipt of your letter of the
instant, inquiring whether further deposits of specie in
the special credit of the Treasurer in your bank, to be exchanged
for Treasury notes and, in reply, have to state that, at present, no
for that purpose can be recognised.

The bill which passed the Senate some months since, for the
sale of the two bonds of the Bank of the United States, purchased
in March, 1839, and September, 1840, for about two millions each.

Q 3.

MANHATTAN COMPANY, NEW YORK,
February 20, 1839.

SIR: I have received your much respected letter of the 18th instant, requiring to be informed whether this bank "would be willing to place to credit of the Treasurer, in special deposit, a portion of the amount which may now be required for disbursement in this section of the country in exchange for Treasury notes bearing an interest at the rate of six per cent., under the stipulation that they may be redeemed by the department, one-half of the amount at such time after the 1st of August next as may be convenient, and the other half after the 1st of October next."

Your letter will be submitted to the board of directors to-morrow; and, in the mean time, I beg leave to assure you that I have entire confidence they will do every thing in their power to meet your views.

With great respect, your obedient servant,

ROBERT WHITE,
Cashier of Manhattan Company.

HON. LEVI WOODBURY,
Secretary of the Treasury.

 Q 4.

MANHATTAN COMPANY, NEW YORK,
February 21, 1839.

SIR: I had this pleasure yesterday, and have submitted your letter of the 18th instant to the board of directors of this company, and I am instructed to inform you that they will receive from you \$1,000,000 of Treasury notes, bearing an interest of six per cent. per annum, and pass the same amount to the credit of the Treasurer of the United States, on special deposit, should you deem it advisable to issue Treasury notes, according to proposals contained in said letter; of which determination you will be pleased to advise me at your earliest convenience.

The board will consider it a favor your giving them such reasonable notice of the redemption of said notes on the 1st of August and 1st of October next as you may have it in your power to do.

With great respect, your obedient servant,

ROBERT WHITE,
Cashier of Manhattan Company.

HON. LEVI WOODBURY,
Secretary of the Treasury.

 Q 5.

TREASURY DEPARTMENT, March 4, 1839.

SIR: The bill authorizing the further issue of Treasury notes to a limited extent having become a law, I am ready to direct the Treasurer to issue \$1,000,000, under the stipulation for redemption contained in my

letter of the 18th, and assented to in yours of the 21st until the receipt of your certificate that the sum in question has been to the credit of the Treasurer, in special deposit, in your hands. Treasury notes will bear interest at the rate of six per cent. from the date of your certificate. I will thank you to redeem all the notes issued before the 1st day of July last which you may be able to obtain at par; please cancel them, and enter them upon the blank schedule herewith transmitted, leaving the caption of the schedule in blank to facilitate the settlement in the Auditor's Office if you will enter the same before and after the 21st of May last upon separate schedules. Unless you shall succeed in taking up a considerable amount of such notes weekly, I shall occasionally draw upon your bank for current disbursements, in order that the balance of public money in your hands may not be unemployed.

I am, &c.,

LEVI WOODBURY
Secretary of the Treasury

ROBERT WHITE, Esq.,
Cashier of Manhattan Company, New York.

Q 6.

MANHATTAN COMPANY, NEW YORK
March 6,

SIR: I have the honor, in the absence of Mr. White, the cashier, to acknowledge the receipt of your esteemed letter of the 4th instant informing us that, upon receipt of our certificate of \$1,000,000 having been placed to the credit of the Treasurer of the United States in this special deposit, you were ready to direct that officer to issue Treasury notes bearing interest at the rate of six per cent. per annum, for the same term from the date of such certificate. I now enclose the requisite certificate of such deposit.

I have no doubt we shall be able to meet your views in the redemption of such Treasury notes issued prior to the 1st day of July last as may be presented for payment to us, at par, having them cancelled and entered upon you direct in the schedules which we have received by this mail, and a separate account of those issued *before* and *after* the 21st of May. We feel confident we shall be able to redeem a considerable amount of such notes weekly.

I have the honor, &c.,

M. GELSTON
President of Manhattan Company

Hon. LEVI WOODBURY,
Secretary of the Treasury.

Q 7.

TREASURY DEPARTMENT, April 26,

SIR: As the time approaches when most of the outstanding Treasury notes issued last year fall due, I am anxious to adopt some definite

ement for meeting them, with as little disturbance to the monetary affairs of the commercial community as may be practicable. I will, therefore, be obliged if you will inform me, at your earliest convenience, whether the bank will be disposed to procure and surrender \$750,000 of these Treasury notes in exchange for new notes under the late law, bearing interest at the rate of six per cent., to be held under the stipulation that this Department may, if in funds, redeem them during the last quarter of the present year.

If it will not be convenient for the Manhattan Company to undertake procuring that amount of the outstanding notes, I shall be glad to be informed whether it will place \$750,000 to the credit of the Treasurer, in special deposit, in exchange for a similar amount of new Treasury notes, to be held under a similar stipulation as to the liberty of redeeming them the last quarter, in order to furnish ample means for redeeming such notes when all due, without pressing too severely upon our available balances, which may become necessary for the current expenditures of the public service.

Any sum, more or less than that above specified, may be proposed for, not exceeding \$1,500,000; and the time for effecting the proposed exchange may be the 1st of June next.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

ROBERT WHITE, Esq.,
Cashier of Manhattan Company, New York.

Q 8.

MANHATTAN COMPANY, *April 30, 1839.*

SIR: I have the pleasure of your much respected letter of the 26th instant, inquiring "whether this bank would be disposed to procure and surrender \$750,000 (dollars) of old Treasury notes, in exchange for new ones, bearing interest at the rate of 6 per cent. per annum, under the stipulation that the Treasury Department may, if *in funds*, redeem them during the last quarter of the present year."

We regret exceedingly that it will not be in our power to undertake, at the present moment, the procuring that amount of Treasury notes upon the terms proposed; and that we are also unable to place that sum to the credit of the Treasurer of the United States, in special deposit, in exchange for a similar amount of new Treasury notes.

The great difficulty in the way of making such exchange as you contemplate arises from our being obliged to retain the new notes in our possession, under the contingency that you may, if *in funds*, redeem them in the last quarter of the fiscal year. If we were at liberty to pass them away, you were willing to take the chance of our procuring them for redemption when the Treasury were in funds for that purpose, there would be no difficulty in making the arrangement for the discharge of those shortly to become due. But you will see, with the limitation you propose as to the right to redeem the new notes, they would be quite unavailable to us. Would you determine to make the exchange of new for old notes, with-

out restriction as to redemption, it will afford me much satisfaction the same, and I have the best reason to believe accomplished.

I have the honor to be, with great respect, your obedient

ROBERT

Cashier Manhattan

Hon. LEVI WOODBURY,
Secretary of the Treasury.

[See letter to Bank of America, L 22.]

R 1.

MERCHANTS' BANK
Boston, February

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, requesting to be informed whether this bank, if Congress should empower the Treasury Department to issue Treasury notes authorized by the act of May last, would be willing to place to the credit of the Treasurer, in special deposit, a portion of the amount of such notes as may now be required for disbursement in this section of exchange for Treasury notes bearing interest at the rate of 6 per cent. under the express stipulation that they may be redeemed by the Treasury Department—one half of the amount at such time after the 1st day of January as may be convenient, and the other half after the 1st day of July.

I am authorized by the directors to state, in reply, that the bank will receive from the department, in conformity to the act, any amount of the said notes, not exceeding, in all, the sum of one hundred thousand dollars; provided the sum thus furnished, when placed to the credit of the Treasurer, be gradually drawn for during the year 1862.

I am, very respectfully, your obedient servant,

FRANKLIN HAVEN

Hon. LEVI WOODBURY,
Secretary of the Treasury.

R 2.

THE TREASURY DEPARTMENT

ing interest from the date of the deposit, to be held by your bank
r the before-mentioned stipulation. This special deposit will be
n for, from time to time, as wanted, to redeem Treasury notes falling
and the current public expenditure.

hen the law shall pass, a further correspondence will be held with
d to the *balance* of the sum you propose to take.

ould it unexpectedly happen that the law does not pass, the proposed
icate of deposit for two hundred thousand dollars will be immedi-
returned.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

ANKLIN HAVEN, Esq.,
President Merchants' Bank, Boston.

R 3.

MERCHANTS' BANK,
Boston, March 4, 1839.

I: I have the honor to acknowledge the receipt of your communica-
of the 1st instant, stating that the Treasurer has been directed to remit
, for account of pensions, a draft on the Mint for \$200,000 ; and, also,
f this bank will place to the credit of the Treasurer, in special deposit,
um of \$200,000, and forward to him a certificate of the deposit, he
ransmit, in return, an equal amount of 6 per cent. Treasury notes,
ig interest from the date of the deposit; to be held by this bank under
ipulation for redemption contained in your letter of the 18th ultimo.
conformity to your proposal, I have this day caused the sum of
000 to be carried to the special credit of the Treasurer on the books
is bank, and a certificate of the deposit to be forwarded to him.
en the Treasury-note bill shall have become a law, I shall be happy
advised of your wishes respecting the balance of the sum which this
has proposed to take.

m, sir, very respectfully, your obedient servant,

FRANKLIN HAVEN, *President.*

n. LEVI WOODBURY,
Secretary of the Treasury, Washington.

R 4.

MERCHANTS' BANK,
Boston, March 4, 1839.

I: In conformity to a proposal submitted by the Secretary of the
ury, under date of the 1st instant, I have this day caused to be placed
ar special credit, on the books of this bank, the sum of \$200,000 ; a
icate of which I have the honor herewith to enclose. In consideration
ving placed this sum at your disposal, an equal amount of Treasury
bearing interest at the rate of 6 per cent. per annum, is to be trans-
d to me, provided the Treasury-note bill has become a law ; and the

MERCHANTS'
Boston, M

\$200,000.

I hereby certify that the Treasurer of the United States
in this bank, to the credit of his special account, two hundred
dollars.

C. H. ELDRIDGE

R 5.

TREASURY DEPARTMENT,

SIR: Will you please to inform me what, if any, amount of
old Treasury notes surrendered) you will be willing, on the
ensuing month, to place to the credit of the Treasurer of the
in special deposit, on receiving new Treasury notes, subject to
at any time in the last quarter of this year, if the Treasury
mand funds for that purpose?

I am, &c.,

LEVI WOODBURY
Secretary of the

CASHIER of the Merchants' Bank, Boston.

R 6.

MERCHANTS'
Boston. M

ring the ensuing month, this bank will, if desired, place to the credit of the Treasurer of the United States, in special deposit, two or three hundred thousand dollars, in exchange for Treasury notes bearing interest at a rate of 6 per cent. per annum, and made payable at a future day.

I am, sir, very respectfully, your obedient servant,

C. H. ELDRIDGE, *Cashier.*

LEVI WOODBURY,

Secretary of the Treasury, Washington, D. C.

R 7.

TREASURY DEPARTMENT, *May 20, 1839.*

I have to acknowledge the receipt of your letter of the 15th inst., this morning, apprizing me that the Merchants' Bank will not, probably, find it convenient to take Treasury notes in exchange for gold under the proposed stipulation for their redemption, at the option of the Department, in the last quarter of the year; but will be willing to exchange \$200,000 or \$300,000 for Treasury notes made payable at a day in, and not to be paid off before that period arrives.

Under existing prospects, it is not deemed expedient to make the issue on the terms suggested in your letter.

I am, &c.,

LEVI WOODBURY,

Secretary of the Treasury.

H. ELDRIDGE, Esq.,

Cashier of Merchants' Bank, Boston.

R 8.

MERCHANTS' BANK,

Boston, May 23, 1839.

I have now the honor to inform you that the condition of this bank will justify our taking a limited amount of Treasury notes, in conformity to the terms submitted in your letter to the cashier of this bank, of the date of the 2d instant.

If it still be your wish to effect a loan, as then proposed, this bank will, if desired, on or before the 1st proximo, place to the credit of the Treasurer of the United States, in special account, any sum not exceeding \$500,000, in exchange for Treasury notes bearing interest at the rate of 6 per cent. per annum, and subject to redemption by the department in the last quarter of this year.

I have the honor to be, very respectfully, your obedient servant,

FRANKLIN HAVEN, *President.*

LEVI WOODBURY,

Secretary of the Treasury.

LEVI WOODBURY

Secretary of

FRANKLIN HAVEN, Esq.,

President of the Merchants' Bank, Boston.

R 9.

MERCHANTS' BANK

Boston,

SIR: Having been apprized by the collector of this probably be agreeable to the Treasury Department to is: in exchange for \$100,000 placed to the credit of the United States, the same amount of Treasury notes bearing rate of six per cent., and redeemable in one year, or soon the Department be desirous of anticipating the payment of it transmit a certificate for \$100,000, placed to the credit of the books of this bank, in accordance with the proposed it be not your pleasure to forward me the Treasury note return the certificate, and I will cause the entry to be ca

I have the honor to be, with great respect, your obedient

FRANKLIN HAVEN

Hon. LEVI WOODBURY,

Secretary of the Treasury, Washington, D. C.

R 10.

TREASURY DEPARTMENT

[See letter to Bank of America, L 22.]

S 1.

BANK OF VIRGINIA, *February 21, 1839.*

SIR: I have had the honor to receive your letter of the 18th instant, inquiring "whether the Bank of Virginia will be willing to place to the credit of the Treasurer, in special deposit, a portion of the sum which may soon be required for disbursement in this section of the country, in exchange for Treasury notes bearing interest at the rate of six per cent., under the express stipulation that they may be redeemed by the department, one half of the amount at such time after the 1st of August next as may be convenient, and the other half after the 1st of October next."

This bank will readily do any thing to facilitate the operations of the Treasury Department that present circumstances will safely admit of. Owing to the small amount of banking capital in this place, the applications for individual loans are more numerous than the banks can satisfy. In this state of things, we cannot venture to extend our loans in any shape, unless we can receive something in exchange, that may be available, if necessary, to meet the reflux of our circulation. It will consequently be necessary, in making the exchange you propose, that we should be at liberty to dispose of such a portion of the Treasury notes we should receive as exigencies, from the increased circulation, may require. If, by the express stipulation that they may be redeemed by the department after the 1st of August and 1st of October, at the convenience of the department, and contemplated that we shall be bound to hold the entire amount in our possession until those dates, I do not perceive how we can safely make exchange without reducing our individual loans. That difficulty, however, can be surmounted, provided it can be so expressed on the face of the notes as to preclude the reception of them for public dues before the designated periods, which, I suppose, is the object of the department.

Several of our merchants are making heavy investments in the west and south in tobacco and cotton, and would perhaps find such notes a good medium of remittance to those quarters, whence they might not return until the time it may be convenient to redeem them. I make this observation to show our desire to comply with your proposition to the utmost of our ability. You can form a more correct estimate of the extent of disbursements in this quarter than I can. The payment of the pensions is the chief expenditure in Richmond, and I take this occasion to say that we have been at the risk and expense of conducting the pension agency a considerable time without any remuneration whatsoever. I presume, however, that you include the disbursements at Norfolk in your proposition, and of them I have no means to estimate the amount. I therefore leave it to you to determine the sum to be exchanged, should it be your pleasure to adopt that measure, with the conditions above mentioned—that that we should be allowed to dispose of such a portion of the Treasury notes as our increased circulation might demand, pledging the bank, at the same time, not to extend its business a single dollar on account of this transaction.

I have the honor to be, sir, very respectfully, your most obedient servant,
JOHN BROCKENBROUGH, *President.*

Wm. LEVI WOODBURY,
Secretary of the Treasury.

The Treasury notes will carry interest at 6 per cent the certificate of deposit. The funds so deposited will time to time, to meet the current expenditure at Norfolk.

Under the existing prospect of the public resources does not appear to be, at present, the duty of this department of the notes authorized, excepting upon the stipulation already mentioned. I cannot, therefore, accede to your issue Treasury notes to be negotiated to other parties, option, until the legal period of their redemption shall arrive.

I am, &c.,

LEVI WOODBURY

Secretary

JOHN BROCKENBROUGH, Esq.,

President of the Bank of Virginia, Richmond

S 3.

TREASURY DEPARTMENT,

SIR: As other banks and individuals have offered to deposit the Treasury notes just authorized to be issued in exchange for a larger aggregate than the public exigencies at present require, your convenience will not be affected by the acceptance or refusal of Virginia to make the deposit to the special credit of the Treasury, as suggested in my letter of yesterday. I feel it to be my duty to inform you, in view of the spirit of accommodation expressed in your letter of the 21st ultimo, that your bank may not be induced to refuse the deposit proposed in my letter of the 18th of February, excepting upon the prospect of its own convenience, as that of the department.

S 4.

BANK OF VIRGINIA, *March 7, 1839.*

ur letters of the 4th and 5th were received yesterday. As it is of no consequence to the Treasury Department whether this bank issues Treasury notes or not, I have to ask the favor of you to suspend your decision in regard to the \$200,000 of those notes until after the 10th inst., to afford me an opportunity to consult the board of directors, which is held on that day; but I do not desire to put the department to any great inconvenience on the subject. At all events, I want \$50,000 of the notes, and myself, and will forward the cashier's certificate, on that amount being placed to the credit of the Treasurer of the United States on special deposit in this bank.

In respect, I have the honor to be, sir, yours,

JOHN BROCKENBROUGH.

LEVI WOODBURY,
Secretary of the Treasury.

S 5.

BANK OF VIRGINIA, *March 12, 1839.*

I enclose a certificate of deposit to the credit of the Treasurer of the United States in this bank for fifty thousand dollars on "special deposit," and you will be pleased to cause that sum to be remitted in Treasury notes to the cashier. The Treasury notes will be kept in bank until the redemption designated in your letter of the 18th ultimo.

I have the honor, &c.,

JOHN BROCKENBROUGH,
President.

LEVI WOODBURY,
Secretary of the Treasury.

S 5.

TREASURY DEPARTMENT, *May 2, 1839.*

Will you please to inform me what, if any, amount of money (or Treasury notes surrendered) you will be willing, on the 1st of the ensuing month, to place to the credit of the Treasurer of the United States on special deposit, on receiving new Treasury notes, subject to redemption at the last quarter of this year, if the Treasury can then command the same for that purpose?

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

PRESIDENT of the Bank of Virginia, Richmond.

S 6.

BANK OF VIRGINIA, *May 3,*

SIR: In answer to the letter I have to-day received from you, I say that we hold no old Treasury notes; and that such is the reflux of circulation, that it would be very inconvenient to us to place more credit of the Treasurer on the 1st of next month. In truth, I have time known a much heavier pressure on this bank than at present.

I have the honor to be, sir, yours, most respectfully,

JOHN BROCKENBROOK

Hon. LEVI WOODBURY.

RESOLUTION

IN RELATION

To the payment of claims for revolutionary services

MAY 19, 1840.

Laid on the table, and ordered to be printed.

Mr. PIERCE submitted the following resolution :

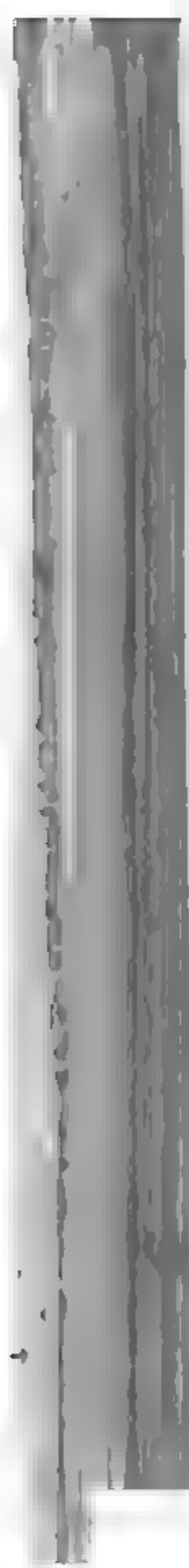
Whereas it is apparent that great frauds have been practised last few years upon Congress, in the prosecution of claims for revolutionary services : and whereas the Government, in consequence of the loss of a large portion of its records by fire, and otherwise, lacks adequate means of protection against such frauds : therefore,

***Resolved,* (as the opinion of the Senate,) That it is just and equitable to insist upon the bar interposed by the statutes of limitations to all claims for the payment of which provision was made prior to 1800, unless the claimant shall first make a satisfactory explanation of the cause or causes for which he has not since that period, and sustain his application by documentary evidence.**

Blair & Rives, printers.

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12. 1. 1.



IN SENATE OF THE UNITED STATES.

MAY 19, 1840.

Submitted, and ordered to be printed.

Mr. WILLIAMS made the following

REPORT:

The Committee on Naval Affairs, to whom was referred the petition of the widow of Joseph S. Cannon, late an officer of the United States navy, praying to be allowed a pension, report :

That from the petition it appears that the deceased was not in the service of the United States at the time of his death ; and, however liberal Congress has been in pensioning the widows of officers in the naval service, the case of the petitioner is not within any principle heretofore adopted, and the committee do not feel at liberty to extend the bounty of the Government to any new class of cases. The petitioner alleges that her deceased husband was detailed in 1817 to the schooner *Asp*, for the purpose of assisting in the survey of the southern coast ; which duty, being attended with great exposure, greatly impaired his health, and was productive of an injury which invalidated and rendered him incapable of any active pursuit ; in consequence of which, in 1828, he was dismissed as midshipman, and appointed sailingmaster, and was subsequently discharged from service, and died in 1832.

The petitioner does not allege that her husband was wounded in battle, or died of wounds received in the line of duty ; but infers that his death was consequent upon the hardships of the service in which he was engaged. It is too much for the committee to assume that the death of Mr. Cannon in 1832 was the consequence of his sufferings in 1817 ; and there being no proof in the case, they report the following resolution :
Resolved, That the prayer of the petitioner be not granted.

W. Rives, printers.

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MEMORIAL

OF

NUMBER OF CITIZENS OF WASHINGTON CITY,

PRAYING

option of measures to compel the banks in the District of Columbia to resume specie payments, or to wind up their affairs.

MAY 19, 1840.

Laid upon the table, and ordered to be printed.

honorable Senate and House of Representatives of the United States :

The memorial of the undersigned citizens of Washington,

TRULY REPRESENTS :

the suspension of payment by the banks of the District of Columbia and *palpable* violation of their charters, by which valuable privileges conferred upon them; that it is an *outrage* upon the moral sense of the community in which they are situated, *debasing* and *demoralizing* by its tendency and example, and a grievous injury and oppression upon those who are compelled to take their notes at their nominal value in payment for their labor.

the mere association of a number of individuals in the form of a joint stock company gives them *no* license for dishonesty, or impunity for their aggregate, more than in their individual capacity.

the banking institutions of the District, having been chartered *pro-tem* for the purpose of promoting the interests and convenience of the business of the District, we are the best, and should be the only, judges in what measures our interests and convenience are best promoted.

that at the suspension of payment by the banks of this District, in the week of October, 1839, they had in circulation upwards of seven hundred thousand paper dollars, which by that act were depreciated 12½ per cent., *inflicting* a loss of upwards of *one hundred thousand dollars* on the holders thereof; that the rates of depreciation since that period have varied from 12½ to 8 per cent., thus filching from the working-man from one-tenth to one-twelfth of the nominal amount received as the wages of his labor.

that the practical operation of this state of things in the District is, that those who are in the service of the Government receive their compen-

Rives, printers.

sation in gold and silver, their neighbors are compelled to receive for their labor, depreciated bank paper ; thus *constituting, one currency for the Government and another for the people.*

They therefore pray your honorable body to take such measures at the earliest possible day compel the banks of the District to fulfil their obligations by the resumption of specie payments, or that they be allowed to assign their property for the benefit of their creditors, and will be satisfied with the result.

J. W. Marlow
W. C. Goddard
Hezekiah Sipe
Richard Streeks
P. J. Collier
Saml. Robinson
Math. Horning
David P. Glasco
Thos. Tanner
Cary Pratt
Joseph Hooton
Louis Vivan
Thos. Jordan
Daniel Nab
his
John x Thompson
mark
Samuel Lawrence
Geo. Wm. Hughes
James Fitzgerald
Wm. Godfrey
William Griffin

J. S. Ball
Elias Barnes
Daniel Serrin
Nicholas Funk
P. W. Jerthington
William Boyd
James Watson
Conrad Shurger
Allen Duloy
Levi Biggs
Ignatius King
Robert B. Hughes
James L. Smith
George Miller
John Uniack
Robert M. Harrison
Richard Pierce
Thomas Kavanagh
M. P. Mohun
Thos. Doyle
Thomas Jones.

MEMORIAL

OF

**NUMBER OF HATTERS IN THE CITY AND STATE OF
NEW YORK,**

PRAYING

The imposition of a duty on silk-hats.

MAY 19, 1840.

Referred to the Committee on Manufactures, and ordered to be printed.

to honorable the Senate and House of Representatives :

undersigned, employers, journeymen hatmakers, and finishers, of the City and State of New York, respectfully solicit the interference of your honorable body in protecting the trade, of which we are members, from the effects we experience by the increasing influx of silk-hats, manufactured in foreign countries ; your memorialists having been hitherto deprived from that depreciation of wages which follows competition, from the introduction of European labor, by a duty levied on hats made exclusively of silk. We will now proceed to inform your honorable body, that, as no duty is now levied on hats made of silk, the foreign capitalist has availed himself of this advantage and accordingly inundates our markets with this article, to the serious detriment and injury of our business. We also pray you to notice, that the value of the silk-hat, is made of fur ; and as Congress have not applied a duty otherwise than on the hat in its finished state, our foreign competitors shipments of what is denominated the *fur-body* ; and so large is the quantity of this article conjoined with the amount of silk-hats which are introduced through the same source, that the great body of hatters in the United States are thus deprived of employment.

Our memorialists regret that they are forced to invoke the aid of your honorable body, inasmuch as the application may be construed into an unfavorable view of the patriotism, the industry, and capacity, of the hatters of the United States. To obviate, however, any impression of this kind, we do not due to ourselves to assign the reasons which have led to the adoption of our present course, and an explanation involving our views of the circumstances which operate against us in meeting the productions of the European laborer on our own soil, and in our own markets, may be, perhaps, of great evidence, that we are, at least partially, acquainted with the causes which prevent us from successfully competing with the operatives of other countries. Unlike some other branches of manufacturing, we need no protection to bring us to a parallel with the best workmanship of Europe ; for it is well known, that we produce as substantial and finished an article, in a short time as are to be seen elsewhere. Why is it, then, that the

foreign manufacturer is able to furnish a hat at about half the price for which it can be produced in this country. The answer to this question is of great importance, not only as it bears on our own branch of trade, but that it extends to every species of the manufacturing interest.

By looking at the structure of the governments of the people who are our competitors, we cannot observe that the system is peculiarly adapted to excite or give an impetus to the industry of their laboring subjects. The practical workings of the form under which the operatives of these nations subsist, rather tends to destroy all incentive to the steady improvement and development of the mechanic arts. Is it not lamentably true, to consider the governments adverted to, the people are obliged to labor for a bare subsistence? for them there is no chance of elevation in the scale of civilization. Born to servitude, the exactions of the tax-gatherer adhesively bind them to their ever-toiling destiny. With a people so situated, labor is despised and regarded as an entailed evil. American working-men, from the superior advantages of a republican form of government, view it in a different light, simply because industry and frugality guaranty to its possessor a comfortable station, and happiness.

Yet, with such favorable advantage on the side of the operatives of these States, there is a system engrafted upon the transactions of trade which completely contravenes and annuls the blessings which our position and condition otherwise warrant. The system to which we allude, is the manufacture and circulation of paper as a substitute for the use of money, which ancient and the majority of modern nations have used for the internal as well as external purposes of traffic. It is, therefore, to the substitution of paper for the operations of internal trade, instead of the use of money, that we must attribute our inability to produce hats at as low a price as those countries wherein the more solid currency prevails. If it were not for this *false money system* there would be no need of embarrassing our progress with applications to levy duties on the manufactured articles of foreign nations.

In our commercial transactions with France, England, Germany, &c. we are made to use the same standard of value; if any surplus arises from our intercourse with these countries, the balance accruing to either party is paid in specie. Our internal dealings with each other are, however, conducted in a different manner; paper-money is altogether the standard by which such intercourse is regulated. And, unfortunately, if a surplus of this artificial material exists, the agents who create it can use their power to contract or expand the quantity as it suits them. If it is concluded to increase the amount, the foreign manufacturer, or his agent, immediately imports in a corresponding ratio, well knowing that an advance of price must take place, and that this state of things enables him to pay no loss whatever duties are demanded. This process also gives him the opportunity of underselling the American manufacturer in his own market, and the facility still to pocket, from the proceeds, a sufficient profit to enable him to pursue over again the same system at the first fitting opportunity.

Your memorialists, while taking the foregoing view of this important subject, deeply regret that the attempt to bring back the currency to its constitutional solidity and value has been thus far unsuccessful. We have desired the reformation, because we wish to prove to the world that the perseverance of freemen, in a fair field, requires no alliance or aid from restrictions to fully establish the superiority of the democratic principle.

an objection is made, perhaps, with sincerity, to the regulating of the wages of labor by the metallic standard in this country, under the apprehension that it would tend to reduce the American workingman to those deprivations experienced by the operatives of Europe. A slight glance at the abiding principles going on between a cheap and a dear system, or the practical difference in the expenses of a monarchical and a republican government, will guide us to the proper and correct inference to be drawn as to the soundness of such fears. When it can be shown that the arterial diseases of taxation in costly governments are lessened, so as to correspond to the healthful pulsations of such a system as a free people construct, and not until then, can it be proved that the earnings of the people of the two opposite systems are alike afflicted, or visited, with that cursed poverty which laps up almost the last crumb of the laborer.

Having thus given a view of the obstructions which hinder us from satisfying the skeptical as to the feasibility of entering on a new and more durable field of enterprise, sustained with the unfluctuating standard of a metallic currency, and perceiving that the General Government cannot effect any reformation, we must therefore ask your honorable body to levy an immediate duty on the importation of *silk-hats*, and also a like duty on what is termed the "*fur-body*." Your memorialists trust that you will hearken to their solicitations, the more especially, that a provision for our protection does not conflict with the *compromise act*, inasmuch as you allowed the duty on the *fur-hat* to be retained. We would remind you, that we do not ask a new act of protection, but for an amendment which will continue the substance of the favor which Congress intended we should enjoy. By stating what we require, your honorable body will enable us, once more, to resume the employment of which we have been deprived. By your favorable action you will aid us to enter again the habitations of our families with the cheerful assurance that they shall no longer suffer the deprivations of want, while a foreign people are provided for by the imperfection of a law designed for our protection.

Respectfully, your memorialists and fellow-citizens,

James Leary
 Frederick Reeder
 Ichabod Price
 A. Q. Thompson
 John A. Fountain
 Neil Newton
 John D. Harper
 O. P. Clark
 Stephen Spencer
 John A. Bridge
 Joseph Porter
 W. R. Corwin
 Alexander Van Beuren
 M. C. St. John
 C. M. Bennet
 W. M. Bennet
 Joseph Lundzy
 Winant H. Miller

G. H. Guerre
 M. H. Brown
 Theodore Murray
 M. W. Spencer
 Gad Hitchcock
 Joseph Lloyd
 Henry Atwood
 Benjamin Hook
 William Valey
 A. Lemasson
 Charles Thompson
 Thomas Shell
 William B. Jelliff
 William Budelé
 H. Schweizer
 William Metz
 Louis Ehlert
 Charles Rabensik

William H. Scribner
 Benj. F. Morris
 James Warner
 John Beehnt
 L. G. Wilcox
 Taylor C. Warner
 James H. Warner
 Patrick Riley
 Jacob May
 Thomas Brown
 Edward L. Hobbie
 John Ward
 Alanson Brown
 Joseph B. Scribner
 John Hanford
 Louis B. Beardsley
 David Boune
 Edward Bootay
 Jacob Fisher
 Ozi Baker
 David Frost
 Benjamin Durant
 George Chave
 Joseph Schofield
 Thomas Hayden
 John Hunt
 Charles Johnson
 Richard Brown
 Robert Tesseyman
 Thomas Archer
 O. W. Burnham
 George T. Peck
 William Darley
 G. W. Van Tine
 Ira C. Stone
 A. R. Ransom
 W. F. Young
 Andrew A. Hall
 Richard H. Hall
 Carlisle T. Allen
 Thomas D. Knower
 Charles Thornton
 A. B. Platt
 C. Truser
 Charles L. Rich
 William Davis
 James H. Goodrich
 Samuel Smith
 Horace Stillman
 Harry Griswold
 S. O. Hoyt
 Russel Benedict

David Freer
 Daniel Dekey
 George M. Velie
 James Flagler
 Sam. K. Darron
 Charles T. Raymond
 Reuben E. Boland
 Albert B. Stebbins
 Daniel Odell
 Horace R. Quick
 Philander Betts
 Orrin Benedict
 Samuel Banks
 Alanson Taylor
 Bradley Adams
 Charles Edward
 Charles H. Shepard
 William A. Judd
 W. A. C. Shepard
 John McDowall
 A. Beebe
 Levi Beebe
 Allanson Williams
 H. G. M. Hoyt
 Ebenezer Whitlock
 Anson Odle
 William W. Hill
 Horace Daniels
 H. H. Hills
 E. S. Hamilton
 W. Pearce, jun.
 Peter D. Stillman
 Silas Butters
 Edward L. Pease
 J. D. Root
 William Green
 Isaac Roberts
 Hoadley & Chask
 Hiram Wood
 William H. Meigs
 Horace Sexton
 Augustus Dow
 Daniel Avery
 Willis Kempshall
 S. Vanamier
 A. Bingham
 George Eldridge
 Valentine Merrill
 Geo. T. Lenzell
 Ward Hoyt
 Lewis G. Jettett
 James M. Hoyt

Seaman Lyon
 Lewis Crosmen
 James Armstrong
 George Hawley
 James Reed
 Henry F. Olmstead
 Nancy Knapp
 James H. Fenta
 Scribner
 James Beard
 John Beard
 David Low
 James Hawley
 Seymour
 Henry G. Ferris
 Maria W. Hubbell
 Ash
 James Paruele
 L. Banks
 Hand
 Ward S. Bockett
 Charles Medery
 George Joly
 Lodges
 William S. Smith
 Daniel Ferguson
 Daniel H. Jennings
 John Gillot
 Thomas Donohoe
 Thomas H. Wildeman
 George H. Perry
 William F. Hoyt
 Charles O. Sheldorn
 George Duncomb
 Nichols
 Francis Fairchild
 David Hyatt
 Patch, jun.
 David
 Rod Osborn
 John Seeley, jun.
 Robert B. Ferry
 Under Ferry
 George W. Ferry
 Nichols
 George A. Hickok
 David L. Hawley
 Edward C. Hickok
 William McDowell
 John Shuffman
 Fenner
 George Hickok
 David A. Beebe

Edward B. Bardsley
 Hiram Cobe
 Hiram Benjamin
 Roswell Griffin
 Harrison Torrey
 George Benjamin
 Oliver C. Shepard
 Thomas Barnum
 Albert Wood
 Elius Leyton
 Daniel Meeder
 Wm. S. Knupp
 Abraham Chichester
 George L. Price
 Joseph B. Foot
 Wyllys Judd
 George Cain
 Samuel Ellis
 D. O. Shepard
 Stephen Shepard
 W. F. Olmstead
 Theodore Clark
 William H. Hickok
 P. Larkay
 Philander J. Bodwell
 William Banta
 Jacob Banta
 Anson Green
 James S. Graham
 Antoni Gwiasoskeski
 Charles McKee
 William McKee
 William Brown
 James Clohesey
 Samuel L. Haight
 Silvester Tuttle
 William S. Smith
 Seaman R. Fowler
 Orlando Fish
 Isaac Bowers
 John A. Emmons
 Levi B. Seymour
 Carls Frowlet
 David S. Mills
 Robert Honeywell
 George Vail
 Wm. Honeywell
 Daniel S. Birdsall
 John J. Silcock
 N. Johnston
 C. J. Nash
 B. G. Snow

George W. Myer
 Edward B. Pew
 M. S. Dunham
 Wm. Fenwick
 Joseph R. Brewster
 Joseph Fletcher
 J. H. Monarque
 William L. Perry
 William Drisler
 William Hermance
 Robert W. Peck
 John R. Winterton
 Asa Hall
 George N. White
 B. Stimpson, jun.
 Stephen Hooper
 Wm. Burr
 Francis A. Murray
 Edwin Sutton
 John Leonard
 Peter Holdridge
 Richard A. Wenans
 Nathaniel Van Houton
 Richard Thomas
 Ira M. Marsh
 William Jenkins
 James W. Banta
 Nathaniel H. Van Winkle
 John H. Reed
 John Fitch
 George J. Sealy
 Rodolphus Graves
 Apollos C. Roe
 Morris King
 John Riley
 Joseph P. Routier
 Jonathan B. Warner
 Joseph F. Martin
 Henry Eaton
 Sylvester Blin
 Cornelius Castle
 James Seeley Tolias
 Francis Jaques
 James Lon
 Daniel Kellogg
 Ferdinand Kemper
 John G. Spangler
 Elisha Dodge
 Mark Smith
 Joseph J. Powell
 Walter Powell
 Abraham John Drew

William Wilds
 Richard Winn
 Samuel Woods
 George C. Buckley
 William W. Lathrop
 Richard Caval
 John Dalzell
 Harrison Vanvolkinbu
 Richard Smith
 James A. Ten Broeck
 Adam Smith
 Dennis Flinn
 Rowen & Jones
 Henry A. Hurlbut
 James Hunt
 Robert Spier
 John S. Francis
 Alex. Boordman
 James Oakley
 Isaac P. Hull
 John Beber
 R. Baileau
 E. King
 P. T. Smith
 John Lemaire
 F. Troulloc
 Samuel Hawley
 Thomas Brady
 Asa Hubbill
 Chadwick Kirwin
 B. Hinman
 Willis Burr
 Walter C. Lobdell
 Henry D. Hinman
 Truman B. Dickerson
 Andrew Persons
 Matty Elwood
 Edward Prineveau
 George Beers
 George H. Barnum
 Charles Garner
 Z. Lyon
 Noah S. Barnum
 Ira Barnum
 Hiram Olmsted
 Nathan H. Price
 Henry Parmelee
 John W. Mansfield
 Patrick Brady
 J. L. Dibrow
 R. H. Chesly
 Sidney R. Williams

ry Dunham
 C. Warriner
 h Gunn
 an Mansfield
 an L. Thompson
 Mansfield
 ge S. Mansfield
 amin Pool
 erick Moore
 nas Banks
 Beers
 W. Peck
 C. Maxwell
 Crossman
 uel M. Banks
 ezer Thorp
 s Burr
 hem U. Breelley
 er S. Meeker
 am P. Welch
 Clapp
 les Tyrod
 iam Snagg
 s G. Curley
 Robertson
 s Banks
 n Brown
 n D. Banks
 Crosman
 Vildman
 D. Meeker
 les D. Butler
 is Morris
 E. Hamlin
 Foote
 G. Merchouse
 ond Bradley
 Baldwin
 ge Hawley
 S. Hawley
 er Lake
 h Sturdevant
 F. Bennett
 s S. Clark
 hen Foster
 N. Jackson
 s P. Ridge
 hrop Dunning
 ias P. Stevens
 iel E. Beers
 ham Utter
 . Lang
 en Blackman

Allen Dodd
 George A. Dodd
 Barney N. Powles
 Jos. D. Crane
 Moses Dash, jun.
 George Simmons
 Richard Thelsall
 William Harrop
 G. Kilburn
 Job Williams
 D. W. Quinby
 M. Campbell
 William Kain
 D. J. Kilburn
 Benjamin Weight
 Henry Counter
 William Baldwin
 Simon Van Ness
 George Oven
 Leander Searing
 Thomas Henry
 James G. Lindsley
 Enos C. Tomkins
 Henry Settson
 James Brady
 John Brady
 John B. Lyon
 Charles C. Smith
 John Personette, jun.
 Harvy Pierson
 Lucies D. Tompkins
 Jacob Kent
 Thomas Post
 Gad. Alvord
 Lewis Williams
 Abram Mandeville
 B. Burton
 H. Bennet
 W. H. Pyne
 Wm. P. McIntyre
 F. W. Pittman
 Wm. Foster
 C. R. Mallory
 H. Teale
 F. Turnier
 F. Hamidon
 H. Countz
 Wm. David
 Stephen Webb
 Francis E. Hurlbut
 George W. Fuller
 George Munville
 Isaac Cockefan

E. Harpff
 Thomas Hillson
 Henry Harrison
 James S. Wood
 C. Wilson
 Lewis Mealio
 Geo. W. Clark
 Joel J. Bailey
 J. C. Loutrel
 Lewis Loutrel
 Josh. Dean
 Henry Shaw
 Wm. Banks
 T. Hixon
 W. Mooney
 John Crawford
 James Granger
 Joshua W. Osborn
 William Voris
 Edwin Parish
 William Titus
 Joseph Frost
 Charles Harris
 Joseph Montross
 Peter Morrell
 Livingston Miller
 G. B. Moore
 Andrew McHa
 Henry H. Brown
 Nelson Skinner
 Isaac Walker
 Hugh Redley
 John Walker
 John Linbarger
 Edward Lewinsky
 Jacob Young
 Edwin McD. Donald
 A. Parmley
 C. C. Miller
 John Yufilly
 M. B. Monroe
 Geo. Kerr
 John Harsen
 John Haywood
 John Wright
 Freman Divoll
 P. S. Lema
 Royal Morris
 A. C. Wheeler
 S. Aldridge
 Hiram Mason
 Briggs & Quirk

Albert Van Kleeck
 Edmund B. Bailey
 C. C. Hinsdale
 James Feer
 Isaac Abrams
 Wm. C. Morgan
 E. B. Baldwin
 H. Bancroft
 J. Hammond
 Abraham Blissard
 Peter Blissard
 Jacob Blissard, jun.
 John Blissard
 Isaac Serrine
 Matthew L. Barber
 E. Benedict
 A. Trowbridge
 Wm. T. Schofield
 Charles Dart
 Burr Rockwell
 Evan Lewis
 Louis Winter
 Lewis Frederick Essling
 John A. Spencer
 David Marre
 George Graulich
 Henri Pudnouels
 M. B. Wattripont
 George H. Anderson
 Paul Ferry
 Ebenezer G. Marble
 Albert Arnold
 S. F. Eastman
 J. Julius
 J. Marble
 O. P. Woodruff
 O. A. Avery
 Hiram Wildman
 Lorenzo Hamilton
 L. S. Hills
 N. A. Avars
 Francis Risley
 L. P. Barnum
 James Daniels
 George Hills
 Thomas Leddy
 Henry Roberts
 John Blackwood
 R. Martin
 Edgar A. Jennings
 James Meldrum
 Gillert Beach

Hagar
 Comstock
 d Knapp
 Knapp
 d Swords
 riffin Flagler
 les Mallary
 nas C. Hanford
 am Fowler
 hew Wilcox
 istus Hotchkiss
 h Annable
 Francis
 F. Hodges
 othy Hodges
 H. Benedict
 y Kidney
 ge Benedict
 rs F. Bussing
 ge Bertine
 ezer T. Lane
 . St. John
 s Smith
 h Raymond
 t Merrill
 n Brush
 dison Foot
 h. B. Wilcox
 ge Osborn
 s S. Dibble
 nas Swift
 J. Frey
 d Keys, jun.
 ort S. Knapp
 h Moore
 d P. Nichols
 S. Benedict
 am W. Starr
 L. Taylor
 Cornwall
 am F. Taylor
 B. Hoyt
 Willis
 s Taylor
 rdsall
 us Price
 ard C. Ambler
 nas S. Seelers
 han S. Hubbell
 . Forrester
 W. Hoyt
 B. Gray

George Nichols
 Lebrures Rosabone
 William Morris
 Starr Hoyt
 Samuel Wilmot
 Medad Bradley
 George S. Hurd
 Nathaniel L. Proctor
 Martin Mead
 Thomas P. White
 John Keebe
 Almon Price
 E. T. Squires
 E. D. Trowbridge
 Wm. Dibble
 G. G. Taylor
 N. W. Patch
 Horace T. Wildman
 Horace Barber
 Thos. W. Browning
 Josiah H. Broas
 Nathan B. Dibble
 Ezra H. White
 Warren Wood
 Amos Bishop
 Edward C. Foster
 Joel Clark
 John Tevenin
 James D. Clark
 George White
 Henry Allen
 John Robinson
 Anson Cornwall
 William Stevens
 John Hodge
 George Andrews
 Noble Lyon
 Alfred More
 Charles Scribner
 Nelson C. Brockington
 George S. O. Banks
 A. Hickok
 A. Willcox
 Phineas D. Crosby
 Edwin Benedict
 Timothy B. Lynes
 Abner Brush
 Hiram B. Wildman
 Cyril P. Benedict
 Wm. Wood
 George G. Wildman
 Henry Shute

Henry J. Dow
 Nathan Price
 Joseph Mansfield
 John Clark
 Ira Ambler
 Alfred Benedict
 Lewis R. Starr
 Stephen A. Hurlbut
 John Earl
 Thos. T. Whittlesey
 Gilbert Pelletreau
 Jesse Reeves
 Frederick J. Westfield
 James N. Tice
 G. D. Richards
 David H. Plumb
 Henry Smith
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 Thomas Thomas
 William A. Ballow
 W. H. Duryll
 Wm. Tryon
 John Hayward
 B. A. Meigs
 Charles Mulot
 George Mulot
 Henry Requo
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 Edward P. Rankin
 Thos. Rafferty
 George Hudson

Joseph Ladd
 J. L. H. Archer
 John Cowly
 T. C. Newton
 William Knapp
 John P. Rice
 James N. Hogan
 William D. Munn
 Reuben D. Harrison
 Hiram Perry
 Patrick Lynch
 Jacob Day
 Jacob Low
 W. W. Curtis
 Peter Moreau
 John Martel
 Jacob Mead
 James G. Perigrou
 D. Ford, jun.
 W. H. Benjamin
 Josephus Kirk
 John Judson
 John Hunt & Co.
 F. Wallis
 A. O. Hunt
 C. Knox
 Chas. Dusenbery
 Wm. Minchin
 James L. Seabury
 Robert Dick
 John H. Gisner
 John L. Colyer
 H. W. Smith
 S. P. Sanderson
 Ira N. Crossman
 Keelor H. Danchy
 Vinson Smith
 Daniel H. Persons
 John D. Raymond
 Joseph Bouton
 Sidney Merrill
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 George Harrison
 Charles E. Willis
 Philip Ward
 William B. Kitchell
 John H. Matthews
 A. D. Traphagan
 Nathaniel Stone
 J. L. Hathaway
 Henry Williams
 George Matthews
 John T. Smith
 Linus Condit
 Robert McChesney
 Alexander McChesney
 David H. Roberts
 Joshua Booth
 Daniel Williams
 Aaron Guinby
 Abram Williams
 Thaddeus P. Rider
 Hiram A. Gray
 Benjamin Stebbins
 Oris T. Judson
 E. P. Fairchild
 A. L. Williams
 Charles Jones
 Alfred Wildman.

IN SENATE OF THE UNITED STATES.

MAY 21, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT :

Committee on Pensions, to whom was referred the petition of Hepzeba Walker, widow of Samuel Walker, report :

Principal objection in this case is the want of definite proof as to the length of the husband's service. The records of New Jersey prove service, but not the time, when, or where. His service is alleged to have been performed in the militia of that State in the Revolutionary War. The Commissioner of Pensions, in a letter of April 14, 1840, in reply to the inquiries of this committee, says: "No doubt is entertained of the husband's service in the New Jersey militia; but there is nothing in the records sufficiently specific to determine the amount of his service, and, to make a reasonable estimate of it." A careful examination of the present evidence does not enable the committee to form any determinate opinion of the length of his service; and, upon the present evidence, they are not warranted to recommend any relief.

They report the following resolution:

Resolved, That the prayer of the petitioner be not granted.

Witness my hand, this 21st day of May, 1840.
J. P. [unclear], printers.

IN SENATE OF THE UNITED STATES.

MAY 21, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT :

Committee on Pensions, to whom was referred the petition of Eliza Garrabrants, widow of Garrabrant N. Garrabrants, report :

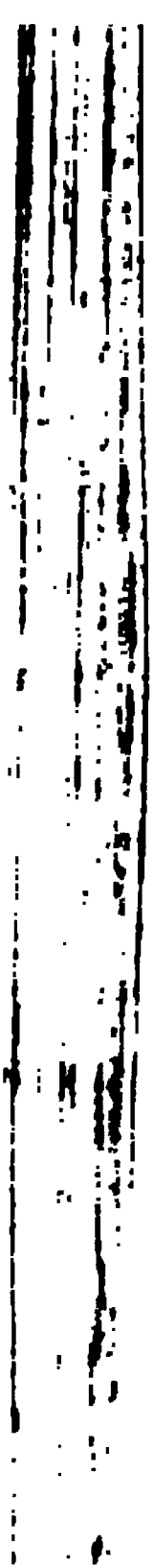
Petitioner alleges that she was married to the said Garrabrant N. Garrabrants "about" the year 1788, and that he died in 1833, in the receipt of twenty dollars for Revolutionary services. No documentary evidence is produced, and only one affidavit accompanies the petition. Johnblower, who gives the affidavit, testifies, that he has been acquainted with the petitioner for thirty years; and that she was always reputed to be the lawful wife of the said Garrabrants, but mentions no date of marriage.

Evidence to prove the fact of marriage, and its date, is totally insufficient, in truth, nothing but the general and indefinite allegations of the petitioner, fixing the marriage "about" 1788. It is unnecessary, therefore, to inquire as to the service of the alleged husband.

Committee report the following resolution :

Resolved, That the prayer of the petitioner ought not be granted.

Witness, printers.



IN SENATE OF THE UNITED STATES.

MAY 21, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT:

Committee on Pensions, to whom was referred the petition of William Ferguson, report:

petitioner applies to be restored to the pension-roll, on which he was dropped under the act of June, 1832, and from which his name was stricken, because it was afterward ascertained that documentary evidence, coming to the knowledge of the department, disproved the facts necessary to entitle him to a pension. Additional evidence was subsequently produced, which rendered the case still more doubtful, conflicting with the allegations of Ferguson, the statements of the witnesses, and also with the documentary evidence.

Following extract from a letter of the Commissioner of Pensions to the Committee, will serve to explain the grounds of the claim, and to show the character of the testimony of all the witnesses, though it relates particularly to one whose statements are the most direct and certain, and entitled to the most credit. The Commissioner says:

In answer to the inquiry respecting the statement of Jacob Shew, in relation to the Revolutionary service of William Ferguson, I have the honor to inform you, that the witness's statement, and that of the claimant, do not agree.

The latter says that he served nine months in Captain Daniel Demood's company, Colonel Harper's regiment, in 1777; in 1778, four months under Captain Demood; and in 1781, nine months under Captain Daniel Demood's regiment. The witness says he knew the claimant in the service, under Lieutenant Walter Vroman, in Colonel Harper's regiment, in 1779, where he served nine months. Colonel Harper was appointed a colonel of militia on the 3d of March, 1780, and, on the 1st of May, 1780, was appointed colonel of a regiment of levies, and Vroman was, at the same time, appointed one of his captains. The claimant, William Ferguson, is not on the rolls of Captain Vroman's company, nor is borne on the rolls of Captain Mark Demood's, in 1780, under which he seems to have enlisted for four months, but served only two months and four days. It is evident, therefore, that the claimant could not have been either in 1779 or 1780 a nine months' man in Captain Vroman's company.

The Committee are unable, upon a full examination and comparison of the evidence, to reconcile the conflicting and contradictory parts so as to sustain the claim.

The Committee are unable, upon a full examination and comparison of the evidence, to reconcile the conflicting and contradictory parts so as to sustain the claim.

IN SENATE OF THE UNITED STATES.

MAY 21, 1840.

Submitted, and ordered to be printed.



Mr. PRENTISS made the following

REPORT:

*nittee on Pensions, to whom was referred the petition of Jacob
Hall, report :*

rs, from an examination of this case, that the petitioner is now a
under the law of March 18, 1818, at the rate of ninety-six dollars.
He applies for an increase of pension on account of a wound
the battle at Springfield, New Jersey, on the 7th of June, 1789.
ner's statements in regard to the manner and time of receiving
l, which was inflicted by a musket-ball in the left shoulder, are
by the evidence of Oliver Cromwell, who was in the same battle,
s side at the time. Dr. Tucker, who extracted the ball in 1807,
"it was lodged about three inches in the ——— shoulder;"
the evidence of others, it would seem that Hall is now very
bled by reason of this wound, as it continually discharges. He
he enlisted for the war under Captain Nathaniel Boman, of the
y light infantry, in the second United States regiment; but does
he date of his enlistment.

rence to the opinion of the Attorney General, of February 27,
ll be seen that the petitioner now receives all the pension to which
entitles him under the existing pension laws. The class of cases
his is, no doubt, large, and no relief ought to be granted, except
ral law, including the whole class.

port the following resolution :

Resolved, That the prayer of the petitioner ought not to be granted.

Es, printers.

IN SENATE OF THE UNITED STATES.

MAY 22, 1840.

Submitted, and ordered to be printed.

Mr. HUBBARD made the following

REPORT:

Committee of Claims, to whom was referred the petition of Fielder R. Dorsett, report :

the petitioner was employed in the years 1834 and 1835 to take several rooms in the basement story of the War Office, and to attend a number of clerks employed in the Pension Office, at an annual compensation of four hundred dollars; that, after the passage of the Senate's resolutions in 1834, it became necessary to employ twenty-five additional clerks for six or seven months, to fulfil the requirements of those resolutions; that during this period they occupied the rooms attended upon by the petitioner, and an additional room, assigned for their accommodation, was also placed under his care; and that, in consequence of the employment of this additional number of clerks, the labor and duties of the petitioner were greatly increased. He now asks the United States to pay extra compensation for his increased services.

When the evidence stopped here, the committee must have rejected the allowance of the claim upon the principle, which they are disposed rigidly to adhere to, that no person, receiving from the Government an annual salary for his official services, has any just claim to an extra compensation or increase in the amount of those services.

It is entirely unnecessary to apply this principle in the present case, it appears, from information obtained at the Pension Office, that, at the time the additional duties devolved upon the petitioner, he applied for and received permission to engage his son as an assistant, who, during the time the temporary clerks were employed, aided the petitioner in attending to them, and received for his services five dollars per month, which may be regarded as an ample equivalent for the extra services required.

Under these circumstances, the committee cannot think the petitioner has the slightest pretence for the claim he has set up; and therefore recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner be not granted.

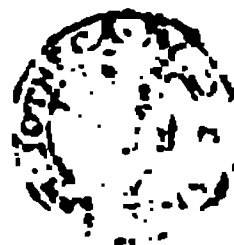
Lives, printers.



IN SENATE OF THE UNITED STATES.

MAY 22, 1840.

Submitted, and ordered to be printed.



Mr. HUBBARD made the following

REPORT :

[To accompany bill S. No. 349.]

Committee of Claims, to whom was referred the bill for the relief of Edward Criddle, report :

Accompanying the papers, there is a letter from the Third Auditor of the Treasury, giving a detailed statement of the facts in this case as shown by the evidence, and the reasons why the petitioner's claim could not be allowed by that officer.

The committee concur fully in opinion with the Third Auditor as to the principles he has adopted in adjudicating upon claims of this nature, and also as to the insufficiency of the evidence adduced by the petitioner to substantiate his claim, in accordance with those principles, therefore, recommend the printing of the Third Auditor's report in connexion with this report, and submit the following resolution :

Resolved, That the bill be indefinitely postponed.

TREASURY DEPARTMENT,
Third Auditor's Office, April 20, 1840.

I have the honor to acknowledge the receipt of your letter of the 10th inst., enclosing additional testimony in support of a claim of Edward Criddle, heretofore transmitted by you, and requesting my decision thereon as early as possible.

The testimony is contained in further depositions of himself and of Governor Cannon. The claimant testified that he was a private in Captain Newton Cannon's company of volunteers in the first campaign against the Creek Indians in 1813; that the regiment to which he was attached was, at the time, commanded by Colonel John Coffee; that, soon after the arrival in the country, the regiment was divided into two, under the command of said Coffee as brigadier general; that one of the regiments was commanded by Colonel Alcorn, and the other, to which the claimant was attached as quartermaster, was commanded by said Cannon; that, a few days previous to the subdivision of the regiment, there being no food in

Wm. B. Ewing,
Printer.

camp for the horses, they had to be subsisted in the best natural resources of the country afforded; that the claimant when grazing; that the morning after the loss John Roy the claimant, was ordered to remain with him and aid him to regain the horse; that they remained hunting the horse left in command ordered them to proceed and join the army in the further pursuit of the horse; that, not having been informed he did not know the name of the officer who ordered him to look for the horse; that in 1813 he was a single man, married, and in 1815 removed to Missouri, where he has resided ever since; that in 1816, when the act of Congress was passed for lost horses, he was remote from his former residence and by whom he could establish all the facts necessary to establish his claim for his horse, and was also young and careless about it; the principal reason for not applying sooner was, that he understood it was necessary to prove, by an officer, that he was ordered to look for the horse and he was then, and still is, unable to name the officer who ordered him and Roy to abandon the further looking for it; that the officer who ordered him to look for the horse, and he had no particular reason to inquire his name; that he lost his horse in consequence of the Government not furnishing forage; that the loss occurred sometime in the year 1813, the precise day he cannot state; and that he has not received from the Government or agent of the United States any horse in lieu of the one lost in service in 1813, nor any compensation for the same in any way.

In the deposition of John Roy, he has declared that he moved to Missouri in 1815; that he lost a horse in the battle of Talledega against the Creek Indians; that the horse was once owned by the deponent to Criddle's half brother, Alexander Smith; that he does not recollect which; that it proved to be a better horse than he expected, and was, he thinks, richly worth \$100; that many of the facts contained in Edward Criddle's affidavit of May, 1838, to be true, and verily believes every thing stated to be true; that the deponent remained under the command of General Harrison as colonel, and knows not why his name is not on the list of Criddle's; that he was wounded in the battle of Talledega; and that he afterward became a substitute for John Roy in the Creek war and fought under Captain William H. Crockett in the battle of the Horse-shoe.

The additional certificate of Governor Cannon is dated the 10th of May, 1838, and in it he has declared that he has examined Criddle's

ances attending the loss the Governor cannot now distinctly remember not having been brought to his notice until a few months ago ; that Criddle left the State of Tennessee shortly after the campaign, and (the Governor) has not seen him since, nor heard from him on the subject until perhaps sometime during the past year.

The company the Governor in the first instance commanded was not listed under his name, but that of his successor ; and hence the for-arch as to any service by him as captain, and as to the service of Roy and Roy as members of his company, proved unsuccessful. It was been found, that the successor of Governor Cannon in command of the company was Captain William Martin ; and, on the rolls of that company, the Governor and Criddle are found to have been mustered from the 24th September to the 29th October, 1813, and Roy from the for-arch to the end of the service. As regards the horse, however, the personal testimony, as well as that previously adduced, is deemed to be inadequate to justify any award under the law I have to administer. I can render admissible by me a claim for the loss of a horse by its having been turned out to graze, it is necessary, as is signified in my former opinion on the subject, to have clear proof that the loss was sustained without any fault or negligence on the part of the claimant, in consequence of the horse having been, *by order of the officer in the immediate command*, turned out to graze because the Government failed to supply sufficient forage. According to the claimant's deposition, the loss occurred before his appointment as quartermaster, and of course while serving as a member of the company then commanded by Captain Cannon. The Governor has testified that any such order was issued by him ; and his certificate declares explicitly that he cannot now remember the particulars and circumstances relating to the loss. The claimant does not allege that the turning out of the horse to graze was by the order of Captain Cannon, or of any other officer ; but has alluded to an order of some unknown officer. In conducting the search for it after its loss, respecting which no evidence can be available. On testimony given from memory after so great a lapse of time, and so uncertain and defective in its character as that here-mentioned, no allowance can be made by me. Had the loss, in a manner required for by law, been satisfactorily proved, the claim would have been subject to heavy deductions. As already indicated, the loss happened before the claimant's appointment as quartermaster. All the allowances he received while acting in that capacity, and between the time of the loss and his appointment, for the use of the horse at forty cents a day, and for the cost of it, would have had to be deducted.

The papers received in your last letter, as well as the testimony previously transmitted, are herewith returned.

In great respect, your most obedient servant,

PETER HAGNER, *Auditor.*

L. L. F. LINN, *Senate.*

MEMORIAL

OF

JMBER OF CITIZENS OF GEORGETOWN, D. C.,

PRAYING

*rtter of the Farmers and Mechanics' Bank, and that the Banks
istrict of Columbia may not be compelled to resume specie pay-
fore a general resumption takes place in Maryland and Vir-*

MAY 22, 1840.

Laid on the table, and ordered to be printed.

*iorable Senate and House of Representatives of the United
States.*

emorial of the undersigned, citizens of Georgetown, D. C.,

LLY REPRESENTS:

welfare of their community would be essentially promoted by
of the Farmers and Mechanics' Bank for a liberal period, and
tly and most respectfully pray your honorable body, as well for
e, as that no step will be taken to compel a resumption of spe-
s by the banks in the District of Columbia, but in simultaneous
the banks of the States of Maryland and Virginia.

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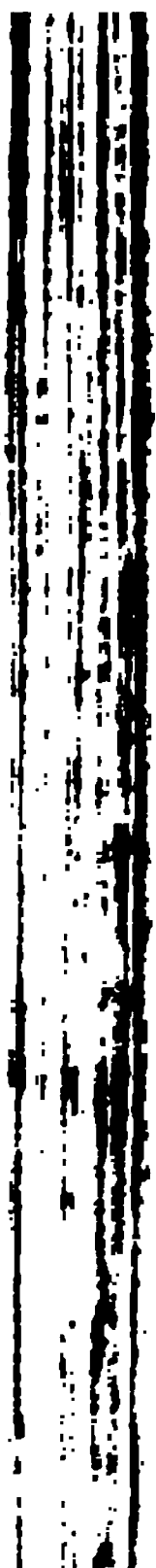
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Lewis Carbery
George Varrull
Jenkin Thomas
John Waters
Thomas Jackson
George Hill, jr.
Samuel Moyers

L. M. P. King
 R. H. Sedgwick
 J. H. King
 Edward S. Wright
 R. Cruikshank
 William Laird
 Francis Wheatley
 G. H. Blunden
 Ninian Beall
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 M. Weaver
 W. Noyes
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 Jos. Brooks
 Samuel McKnight
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 E. M. Linthicum
 Samuel McKenny
 Wm. Dawson
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 Theo. Turner
 P. W. Magruder
 H. Magruder
 Ewd. Chapman
 John Claxton
 Bernard Brien
 Walter Smith
 Wm. Grindage
 R. B. Reeves
 Wm. W. Webster
 R. Cropley, jr.
 James Dairy
 John N. Crockwell
 B. Random
 Richard Osbourn
 John Marbury
 James Gettys
 M. V. Buckey
 Jacob Runsborg

S. T. Nichols
 Thos C. Wright
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 Andrew Haldenback
 Noble Hurdle
 E. A. Eliason
 Francis J. Kellenberger
 James Miller
 Joshua Ritchee
 Wm. J. Nevins
 David English
 James S. Morsell
 J. Mason, jr.
 J. Carter
 G. Washington, (Montgomery
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 Wm. Morton
 N. Mardess
 George W. Longdon
 George Meern
 R. Cassin
 T. A. Russell
 John L. Cruit
 J. G. Young (Montgomery
 ty, Maryland)
 Horatio G. Ritter
 James W. Mumkin
 A. H. Boucher
 T. J. McAter
 James Robertson
 Henry Kingla
 Samuel Cropley
 Samuel Whitall
 Thomas Bogue
 Samuel Steele
 T. G. Good
 John Davis
 W. P. Shaw
 John G. Krouse
 Conrad Hogmire
 Francis Dodge
 James F. Essex
 Robt. P. Dodge
 R. Woodward
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 H. J. Smith
 Geo. M. Sothoron
 Wm. L. Goldin
 J. W. Remick
 W. Lang
 Wm. J. Goszler
 Enoch Frenvick
 B. Mackall
 J. G. Smoot
 John H. Smoot
 Judson Mitchell
 Robert Ould
 Geo. P. Forrest
 James C. Wilson
 B. Sewall
 Peregrine Waifield
 Saml. M. Yootes
 John O'Donnoghue
 Patrick O'Donnoghue
 Francis Gross
 George Templeman
 William Vansciver
 James H. Burns
 T. Picknell
 Joseph Chick
 W. T. Compton
 Henry Trunnel
 Thomas Corcoran
 Richard Pettit
 Thomas Hyde
 Sedley Woodward
 George W. Beall
 W. H. Palmer
 R. O. Stone
 John Stone
 Walter W. Berry
 P. Van Essen
 Robert Boyd
 Samuel Humphreys
 Wm. Robinson
 E. G. Brown
 Charles E. Upperman
 R. E. Duvall
 Wm. Herron



MESSAGE

FROM

PRESIDENT OF THE UNITED STATES,

on the disposition of certain presents received from the Imaum of Muscat.

MAY 25, 1840.

read to the Committee on Foreign Relations, and ordered to be printed.

He :

communicate to Congress sundry papers, from which it will be perceived that the Imaum of Muscat has transmitted to this country, and, through the agency of the commander of one of his vessels, offered for my acceptance a present, consisting of horses, pearls, and other articles of value. In answer of the Secretary of State to a letter from the agents of Muscat communicating the offer of the present, and my own letter to the commander of the vessel, I have replied to one which he addressed to me, were intended to make known to proper quarter the reasons which had precluded my acceptance of the offered gift. Inasmuch, however, as the commander of the vessel, in reply, as he alleges, of carrying out the wishes of his sovereign, has offered the presents to the Government of the United States, I deem it proper to lay the proposition before Congress, for such disposition as they may see fit to make of it; and I take the opportunity to suggest, for their consideration, the adoption of legislative provisions pointing out the course which may be deemed proper for the Executive to pursue in any future case of offers of presents by foreign states, either to the Government or its agents abroad, may be necessary in circumstances precluding a refusal without the risk of giving

dependence between the Department of State and our consul at Muscat. I acquaint Congress with such an instance, in which every effort on the part of the consul to refrain from taking charge of the present proved unavailing. The animals constituting it may, under the instructions from the Secretary of State, be expected to arrive in the United States, when the authority of Congress, as to their disposal, will be made of them, will be necessary.

M. VAN BUREN.

Done, May 21, 1840.

Printers.

List of enclosures.

Messrs. Barclay & Livingston to the President, May 2,
 Messrs. Barclay & Livingston to the President, May 5,
 Mr. Forsyth to Messrs. Barclay & Livingston, May 7, 1
 Mr. Forsyth to Messrs. Barclay & Livingston, May 11,
 The Imaum of Muscat to the President, with an enclos
 The President to the Imaum of Muscat, May 8, 1840.
 Messrs. Barclay & Livingston to Mr. Forsyth, May 14,
 Ahmet Ben Haman to Mr. Forsyth, May 14, 1840.
 Mr. Carr to Mr. Forsyth, September 3, 1839.
 Mr. Vail to Mr. Carr, November 12, 1839.

NEW YORK

SIR: We have the honor to inform you that, as cons
 Sultanee and cargo, belonging to his highness Seyhd
 Muscat, just arrived at this port from Zinzibar, we have
 the commander of said ship, Ahmet Ben Haman, to rece
 ject to your excellency's order, certain presents from h
 President of the United States.

Those presents are—

Two Arabian horses;
 One case otto roses;
 Five demijohns rose-water;
 One package Cashmere shawls;
 One bale Persian rug;
 One box pearls;
 One box—sword.

¶ We beg to be favored by your excellency's instructions
 and delivery of those articles.

We have the honor to be, sir, your obedient servants,
 BARCLAY & L

His Excellency the PRESIDENT of the
 United States, &c., &c., &c., Washington.

NEW YORK

SIR: We had the honor of addressing you on the 2d
 you of the arrival of the ship Sultanee, the commander
 charge various presents from the Imaum of Muscat for yo

We now beg leave to inform you, at the request of Ah
 that, in case the presents from his highness be not recei

DEPARTMENT OF STATE,
Washington, May 7, 1840.

GENTLEMEN: I am directed by the President to acknowledge the receipt of your letters to him of the 2d and 5th instant, informing him of the arrival at your port, of the ship *Sultanee*, commanded by Ahmet Ben Haman, bearing presents from his highness the Imaum of Muscat, for the President.

The President will avail himself of the return of the *Sultanee* to forward an answer to the friendly communication which he received from his highness, and will express, at the same time, the lively satisfaction he derives from this first visit of a vessel from the Sultan's dominions to the United States, and his sense of the friendly disposition evinced by his highness in the presents which Ahmet Ben Haman is instructed to offer in his name. The presents the President is, under existing constitutional provisions, precluded from accepting for his own use. I have, therefore, to request that you will apprise Ahmet Ben Haman of the circumstance, that such other disposition of the articles may be made by him as will best comport with the wishes of the Sultan.

I am, gentlemen, your obedient servant,

JOHN FORSYTH.

Messrs. BARCLAY & LIVINGSTON, *New York.*

DEPARTMENT OF STATE,
Washington, May 11, 1840.

GENTLEMEN: On the 7th instant I acknowledged the receipt of your letters of the 2d and 5th instant, announcing the arrival of the *Sultanee*, bearing presents from the Imaum of Muscat to the President of the United States, and informed you, by his direction, that an answer to the friendly communication of his highness would be forwarded for the return of the *Sultanee*. The President's answer is accordingly transmitted, and you are requested to place it in the hands of the commander of the Imaum's ship, with proper explanations as to its character, and a request that he would convey it to its destination.

I am, gentlemen, your obedient servant,

JNO. FORSYTH.

Messrs. BARCLAY & LIVINGSTON, *New York.*

MUSCAT, *December 25, 1839.*

SIR: Hope the Almighty God will protect you and keep you in good health. From this part of the world having no news to communicate to your excellency; and whenever opportunity offers for this place, we shall be happy to hear from your excellency, with any thing that we can do for you, little or plenty, shall feel happy.

Written by the order of his highness:

SYED SYED BIN SULTAN BEN AHMED,
Imaum of Muscat.
SYED BIN, *Calfaun.*

His Excellency MARTIN VAN BUREN,
President of the United States of North America,
Washington.

tioned articles.

Hoping you will be pleased to accept the trifles from you
SYED

Written by the order of his highness :

SYED SYED BIN SULTAN BIN
Im
SYED

His Excellency MARTIN VAN BUREN,
President of the United States of North America
Wash

*To his highness SYED BIN SULTAN, Imaum of Muscat
BUREN, President of the United States of America*

GREAT AND GOOD FRIEND: By the hands of Ahmet Ben Haman, commanding your highness's ship Sultanee, I had the satisfaction of receiving your highness's letter of the 19th of the moon of Shawwal, 1240 Hegira. It has been a source of lively satisfaction to me, that frequent and beneficial intercourse should be established between our two countries, to behold a vessel bearing your highness's flag in the United States, to testify, I hope, that such relations will be lasting.

I am informed that Ahmet Ben Haman had it in charge to offer for my acceptance, in your name, a munificent gratuity upon this friendly proceeding on your part as a new proof of your desire to cultivate with us amicable relations; but a fundamental principle of our Republic, which forbids its servants from accepting presents from foreign States or princes, precludes me from receiving those your

NEW YORK, *May 14, 1840.*

R: We have the honor to acknowledge the receipt of your letters of 7th and 11th instant, and we now enclose you a letter from Ahmet Ben Haman, commander of the ship Sultanee, written by us, at his request, and signed by himself; for he does not write English, although he speaks it well.

We have the honor to be, sir, your obedient servants,
BARCLAY & LIVINGSTON.

MR. JOHN FORSYTH,
Secretary of State, &c. &c. &c., Washington.

ARAB SHIP SULTANEE,
New York, May 14, 1840.

R: Messrs. Barclay & Livingston, my agents here, have shown me two letters to them, of the 7th and 11th instant, and I have the honor to acknowledge the receipt, through their hands, of the letter you enclosed to them from the President of the United States to his highness the Imam of Muscat, which will be presented on my return.

I sincerely lament, as I know his highness, my master, will do, that the Imam is, under existing constitutional provisions, precluded from accepting for his own use the presents with which I am charged by the Imam.

As his highness was not aware of the obstacle which exists to the acceptance of these presents in the manner in which he addressed them, I feel assured that I can now carry out the Imam's intentions only by requesting that they may be considered as intended for the Government of the United States, and that you will have the goodness to take such measures for the disposition of them as you may deem proper.

I shall be most happy to be acquainted by you of that result, and to be authorized at the same time to deliver up the horses and other articles to the person as you may appoint to receive them.

I expect to be detained here, with my ship, at least to the end of next month.

I have the honor to be, sir, your humble servant,
AHMET BEN HAMAN.

MR. JOHN FORSYTH,
Secretary of State, &c. &c. &c., Washington.

7.]

UNITED STATES CONSULATE,
Tangier, September 3, 1839.

R: I am sorry to inform the department, that, although I have exerted myself to the utmost to prevent the presentation of any animals from the Emperor, and to convince his ministers of the impossibility of accepting any present of any kind, my exertions have not been attended with success.

that a party were on their way from Mexico, with some American consulate. I immediately communicated to the Public Administrator, my determination to refuse what they offered, and begged their influence in preventing such an attempt, that it was perfectly out of their power to prevent. I said that it must be made; that they could not understand by what authority I could undertake to interfere in such a case between the Emperor and his Government; that a Moorish agent who should thus appear before me, present to his master would very justly have his head cut off for the refusal of whatever might be offered would be a disgrace.

Finding I could get no assistance from any of the officials, I resolved to write to the Emperor himself; but before I was prepared, the sound of drums announced the arrival of the Emperor's nephew, at the head of a troop of soldiers, with a magnificent lion and lioness. As my determination was already made, the commander of the troop had prepared himself with "conclusive answers" to all my objections. I told him that it was perfectly impossible to receive the animals—the laws of the country forbade it. He replied, that they were not for me; they were for my Government. I told him that the President, the Government, was in the same predicament as myself—without power to receive them. He said that the Sultan knew that the animals were not for the President, but for my Congress. I replied that I had resolved never to receive any more presents; and that prohibiting public officers to receive presents was part of the constitution and superior to the power of Congress itself. He was silent. He made the constitution. I replied, the people. Then, he said that he would not receive them, the Emperor desires them for his people, as a mark of his respect and esteem for the "Congress." At last I told him that I would not receive them—the

on this head I shall most anxiously wait instructions, as they are to great expense and inconvenience. They are by far the finest animals of the kind I have ever seen, and I have no doubt will sell for more than enough to pay their expenses and the cost of transporting them to America. It will be impossible to dispose of them in this neighborhood.

Gibraltar they would bring nothing, and the sale of them so near would create much excitement.

The rumor in town is, that four or five horses are on their way for the people of the United States." Whether it is true or not, I do not know. I hope I shall have the honor and pleasure of hearing upon this subject from the department as soon as possible.

I am, with sentiments of respect, your obedient servant,

THOMAS N. CARR.

H. JOHN FORSYTH,
Secretary of State U. S. of America.

DEPARTMENT OF STATE,
Washington, November 12, 1839.

SIR: Your letter No. 7, of 3d September last, was received here on the instant. It is to the President a matter of regret that your exertions to prevent the presentation to you, in the name of the Emperor, of the animals to which you refer, have proved unavailing. The peculiar character of the Government, and of the circumstances under which the animals were forced into your possession, can alone justify such a departure from your instructions and the embarrassment which it involves. Those reasons, however, as stated by you, are properly appreciated by the President, who desires that you should be instructed to send the animals to the United States, either by a public ship, if any of those on the Mediterranean station shall touch at Tangier on their way home, or by some private vessel. The expense of their transportation, and of their keep while in your hands, will be allowed in the settlement of your accounts.

With regard to the horses which you seem to apprehend may in like manner be forced on you, it is hoped that renewed exertions on your part have induced the Emperor to desist from his intention of presenting them; but, if you should have been compelled to receive them, you will have the same means of sending them to the United States.

Your despatches from 1 to 7, inclusive, have been received, also your despatch (not numbered) one of the 15th and two of the 17th of June last.

I am, sir, respectfully, your obedient servant,

A. VAIL, *Acting Secretary.*

THOMAS N. CARR, Esq.,
United States Consul, Tangier.



IN SENATE OF THE UNITED STATES.

MAY 25, 1840.

Submitted, and ordered to be printed.

Mr. STRANGE made the following

REPORT:

*Committee on Naval Affairs, to whom was referred the petition of
J. B. Mason, have had the same under consideration, and report:*

The facts of this case are fully and sufficiently set forth in a report
of the Committee on Naval Affairs on the 2d of May, 1838, to which
the committee now refer, and adopt it as a part of this report; and,
in conformity thereto, submit the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

MAY 2, 1838.

*Committee on Naval Affairs, to whom was referred the petition of
J. B. Mason, have had the same under consideration, and report:*

The claim of the petitioner is for an indemnity for losses sustained
under a contract with the Navy Commissioners, executed on the
1st of March, 1831, for procuring and delivering mast and spar timber
of the first class, to be got out to the specifications and dimen-
sions set forth in a paper annexed to the contract.

The petitioner pretended that the petitioner ever got out or delivered the tim-
ber according to the contract as executed between the parties; but he con-
fesses that it never was the fact, that, upon the acceptance by the
Navy Commissioners of his bid for getting said timber, and several months be-
fore the contract was prepared and executed, he was furnished, at the
request of the Navy Commissioners, in Charlestown, by the proper officer there, with a written
specification of the dimensions of the timber required for the masts and spars
of the frigate; according to which he cut, prepared, and was ready to
deliver the same. The dimensions thus furnished differed from those
set forth in the written contract, and, in consequence of not
conforming to the latter, the timber could not be inspected or received.

Upon a representation of these facts, the Navy Commissioners were
ordered in November, 1831, to direct their inspector to receive the tim-
ber conformable to the written dimensions; but, in consequence of in-
formation that the timber was infested by worms, it was then found not to answer those di-

In consequence of which, the petitioner alleges in his petition,

that he lost the entire set, and, therefore, prays Congress to pass a law to pay him for it.

If the foregoing were all the facts in the case, it would seem that the prayer of the petitioner should be granted ; but it appears, from a set of letters obtained from the Navy Commissioners, that, on the 16th of January, 1832, Mason wrote to Commodore Rodgers, asking that the set might be received by the Government as promiscuous timber, at a price as the Commissioners should fix ; and that he would go on to get new sets agreeably to the rules prescribed, or in any manner the Commissioners may direct, or to enter into a new contract. On the 16th of January, 1832, Commodore Rodgers assented to this proposition, and on the 15th of February, 1832, Mason writes to Commodore Rodgers that " he is prepared to execute the new contract for masts and spars got out by the rules obtained from your office ; and *as to the old spars at Norfolk* (referred to in your letter), *he had otherwise disposed of them*. And by the letter of the 17th of April, 1838, from the Navy Commissioners to this committee, it appears that, on the 6th of March, 1838, a new contract was entered into between said Commissioners and the petitioner for three sets of masts and spars, in which it is agreed and decided that the former contract of the 16th of March, 1831 (on which the petitioner now claims), is null and void in law. Wherefore, the committee report the following resolution :

Resolved, That the prayer of the petitioner ought not to be granted.

REPORT

FROM

THE SECRETARY OF WAR,

IN RELATION

to the survey of a site for a fortification on the coast of the State of Mississippi.

MAY 26, 1840.

Referred to the Committee on Military Affairs, and ordered to be printed.

WAR DEPARTMENT, *May 25, 1840.*

SIR: The enclosed report of the Chief Engineer, which I have the honor to transmit herewith, in relation to a resolution of the Senate of the 20th of April, 1836, calling upon the Secretary of War to "cause to be surveyed the most eligible sites for a fortification on or near that portion of the coast of the State of Mississippi bordering on the Gulf of Mexico, or on the islands in that vicinage, suitable for the defence of that section and of the commerce that exists there, especially that commerce which is carried on between New Orleans and Mobile, or between the Pearl river or Pascagoula and either of the abovementioned cities; and that he cause to be made the proper estimates of the expense necessary for the erection and equipping of such fortification; and that he make report thereof to the Senate at the next session of Congress:" will point out the measures taken by the Department to enable it to comply with the requirements of that resolution. I have the honor to beg that I may be informed whether this report, taken in connection with that on the general plan of defence, which includes that portion of the maritime frontier embraced in the resolution already submitted to Congress, will not supersede the necessity of any further action on the subject.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Wm. R. M. JOHNSON,
President of the Senate.

ENGINEER DEPARTMENT,

Washington, May 20, 1840.

SIR: The resolution of the Senate of the 20th April, 1836, referred to the Department on the 22d April, required "that the Secretary of War be directed to cause to be surveyed the most eligible sites for a fortification on

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or near that portion of the coast of the State of Mississippi bordering on the Gulf of Mexico, or the islands in that vicinage, suitable for the defence of that section, and of the commerce that exists there, especially that commerce which is carried on between New Orleans and Mobile, or between the Pearl river, or Pascagoula, and either of the abovementioned cities; and that he cause to be made the proper estimates of the expense necessary for the erection and arming such fortification, and that he make report thereof to the Senate at the next session of Congress."

On the 15th of July following, a request was addressed to the Secretary of War that a brigade of topographical engineers be detailed to make the survey required by the resolution; and on the 10th of August, Major Chase, of the corps of engineers, was furnished with a copy of the resolution and letter just mentioned, and requested to report a plan and estimate for the proposed fortification at as early a period as circumstances would permit.

On the 27th August, 1836, Major Chase replied that he was enabled to state, from an intimate knowledge of the coast of the State of Mississippi bordering on the Gulf of Mexico, that there was no *one* eligible site on that coast, or the islands in its vicinage, which can be occupied so as to attain the objects of the resolution, either as they relate to the general defence of the coast, or to the protection of the commerce carried on between Mobile and New Orleans, or intermediate points: for the single reason, that, if the whole coast of Mississippi is to be defended by means of forts and batteries, and its commerce protected, a great many points must be occupied, with many fortifications; remarks upon the extent of the survey and estimate, and the expediency of so extensive a line of fortifications; and that, in his opinion, the commerce of the coast would be better protected by floating steam-batteries.

On the 19th September, 1836, Major Chase was informed that the Chief of the Topographical Bureau had advised the department that no assistance could as yet be obtained for the survey; and that, if his information on the subject was so full and accurate as to enable him to form a positive and certain opinion, a general statement of the facts and reasons upon which it was formed might be acceptable to the Senate, in the absence of the more specific information required by the resolution; but that, should the topographical engineers be enabled to make the survey, he must prepare the plan and estimates.

On the 13th October, 1836, Major Chase replied that his information on the subject was not so full and accurate as to enable him to express a positive and certain opinion on the proper defence of the coast of Mississippi.

On the 28th November, 1836, Major Chase reported that Major Graham (the topographical engineer selected to make the survey) had not yet been enabled to commence the survey of the coast of Mississippi, and that he had joined the army in Florida.

In the annual report of the operations of the department for the year 1836, it was stated, under the head of "*Site for a fort on the gulf coast of Mississippi.*"—A requisition was made on the 15th of July last for a brigade of topographical engineers to make the survey in question, in order to comply with the resolution of the Senate of the 20th of April, which was referred to this department. The report of the survey has not yet been received."

the annual report of the department for the year 1837, it was again that no report had then been received of the survey for determining the site of said fort, but, when received, the project of defence would be determined and submitted.

As these reports having been laid before Congress, and the report of the survey not having yet been received, (which, indeed, it is believed, would be of little importance,) I would respectfully ask whether, under these circumstances, it is your wish that any thing further be done in the matter? I have the honor to be, very respectfully, your most obedient,

JOS. G. TOTTEN,

Colonel and Chief Engineer.

Wm. JOEL R. POINSETT, *Secretary of War.*

MEMORIAL

OF

THE SOCIETY OF FRIENDS IN PENNSYLVANIA, NEW JERSEY, AND DELAWARE,

PRAYING

the adoption of measures for the suppression of the African slave-trade.

MAY 27, 1840.

Laid on the table, and ordered to be printed.

the Senate and House of Representatives of the United States in Congress assembled :

a memorial of the representatives of the religious Society of Friends, commonly called Quakers, in Pennsylvania, New Jersey, Delaware, &c.,

RESPECTFULLY REPRESENTS :

That your memorialists are induced, by apprehension of religious duty, regard for the present and future welfare of our common country, to call the attention of Congress to an evil of great and appalling magnitude, in which we have reasons to believe that many of our citizens are deeply involved.

We are encouraged to hope that our application will be judged worthy of serious consideration, from the circumstance that the President of the United States, at the opening of the present session, called the attention of your body to the same subject : we allude to the African slave-trade. We are fully aware that this traffic is prohibited by the laws of nearly all the governments in the civilized world, whose subjects or citizens have ever been engaged in its prosecution ; and that the two most active and extensive maritime nations on the globe have denounced it as piratical, and punished for those who may be found employed in it the awful punishment of death ; yet the information which we have obtained from various sources of unquestionable authenticity, has led to the sorrowful conviction that this iniquitous commerce has, for several years past, been prosecuted to a greater extent, and in a manner more destructive to its victims, than it was before.

Under all the difficulties attendant upon this inquiry, and with ample allowance for all the questionable cases, an estimate, founded chiefly on official documents, leads to the conclusion that no fewer than one hundred and fifty thousand African slaves are annually landed on the coasts of Brazil, Cuba, and Porto Rico. A large number is known to be carried into

Texas ; and we have reason to apprehend that many a into the United States.

It is needless to expatiate upon the scenes of havoc an which this commerce is supplied ; the sanguinary confl conflagrations, and the toilsome march through inhosp under a burning sun, must be familiar to the mind of ev conversant with the history of the slavetrade. From th mony of numerous witnesses, we are warranted in the co number who perish by fatigue, famine, and the sword, co the number who reach the coast alive.

The diseases generated in the holds of the slaveships, was tolerated, are well known to have given to the ma than ten times its usual speed.

But the circumstances under which it is now prosec increased the horrors and mortality of the middle passag gaged in it are constructed for rapid sailing ; hence the the slaves is more limited now than before the proh enacted. Other causes, sufficiently obvious, augment mortality attendant upon the passage across the Atlantic founded upon a considerable collection of ascertained cas port the conclusion that rather more than one-fourth of barked on the African coast perish before they reach destination in the western world. Connecting this co estimate already given of those who perish in procuri ally disembarked, we are brought to the dreadful convic can continent is annually despoiled, by means of the a four to five hundred thousand of its inhabitants ; or co of a thousand a day.

If we could believe that this desolating traffic was carr by foreigners, it might still be worthy of consideration ence of the United States with the other Governments o not to be exerted toward arresting or mitigating so enorm we have sorrowful evidence that a large part is prosecute tion of the American flag, and that American citize capital are deeply engaged in it. It is an undeniable fa vessels are built in the United States and sent to Cub Cape de Verd islands, where a sale, real or pretended, is eigner, and a few foreigners are taken on board—the Am retaining their places. With this mixed crew the vess the American flag, to the African coast. If visited by a E American character is assumed, as an efficient protection of our national vessels falls in their way, the foreigners f and the Americans take the character of passengers. Th ted States, being found the most efficient protection, is g until the slaves are embarked, when it disappears, and Portugal usually takes its place. It is even said, that the been used to cover this nefarious traffic, in its preparator where neither the vessel nor crew had any claim to the Am

If the transfer to foreigners of ships built in the United can citizens, equipped and prepared in all respects for

affic. Trading with known pirates, furnishing them with stores, out vessels for their purposes, has been regarded as a crime of ocity with piracy itself.

spectfully but earnestly solicit the serious attention of Congress to cting subject, and desire that they will adopt such measures as to ie citizens of the United States from the infamy and guilt of par- g in this foul opprobrium of the Christian name. The Federal ent has been highly applauded for its early and active exertions bolition of this traffic; and we ardently desire that those who are with the legislation of this great and growing republic may seek and experience the wisdom which comes from above, to direct the adoption of proper measures; and that the powerful influence ited States with other maritime nations of the world may be judi- xerted for the final and total suppression of a traffic so revolting to y, and so totally irreconcilable with the character of a Christian ity.

l by direction, on behalf of a meeting of the representatives afore- l in Philadelphia the 17th of the 4th month, 1840.

WILLIAM EVANS, *Clerk.*



MEMORIAL

OF

NUMEROUS CITIZENS OF ILLINOIS,

PRAYING

appropriation of public lands for the improvement of Rock river.

MAY 27, 1840.

Laid on the table, and ordered to be printed.

*to the honorable Senators and Representatives of the United States, in
Congress assembled :*

A petition of the undersigned, residents in the valley of Rock river, in
State of Illinois, respectfully sheweth—

That, at a large meeting of the inhabitants of this region, held pursuant
to notice, at Rockford, in Winnebago county, on the 11th of January, 1840,
for the purpose of taking into consideration the improvement of Rock river,
the following resolutions were unanimously adopted :

Resolved, That we petition the United States Congress to grant an ap-
propriation of 150,000 acres of the public lands, the proceeds of which to
be applied to the improvement of Rock river for steamboat navigation.

Resolved, That we apply for the same to be selected from the residue of
lands not taken up by the settlers, or other purchasers at the government
sales; and within 20 miles of either bank of Rock river.

In compliance with these resolutions, we deem it proper to state, that few
applications have ever been made for the munificence of Congress where
the *public interests* of the nation and that of the applicants were more com-
bined, than in the project of a union, by water, of the great chain
of the Western Lakes with the Upper Mississippi.

As the importance of this object, regarding *our whole country*, is greatly
increased by taking a view of the numerous artificial channels of commu-
nication, finished or in progress, connecting themselves by links of railroads
and canals, and stretching westward from the various cities on the Atlantic
coast with the great lakes; and that the western shore of Lake Michi-
gan bounds the commercial horizon of that region; there being no
other rivers penetrating the country from thence westward.

Our petitioners would also direct your attention to the vast *inland*
waterway, between the lakes and the Mississippi, through the fertile regions
of Wisconsin and northern Illinois to the Upper Mississippi, which flows
through a country abounding in the fruitful productions of agricultural in-
dustry; abundant in timber, and holding in her lap the most unbounded
treasures of mineral wealth.

Rives, printers.

evidence of the important light in which it is viewed by being a great connecting link between the waters of the Mississippi of the northern lakes, which will have the most beneficial effect in promoting the future welfare of the people of Wisconsin, by opening a communication between the waters of Lake Michigan and the Mississippi, by the Rock river, which is the most practicable route, passing through a fertile region of country, well adapted for agricultural purposes. The completion of this canal will be the means by which the products of the mining region of Wisconsin can be more easily transported to the eastern markets, which now takes the much longer route by the way of New Orleans.

Governor Dodge makes a further reference to the subject, and would attach itself to the improvement of the navigation of the Rock river. His remarks respecting the *Pekatonica* (the largest tributary of the Rock river), which, taking its rise in the Territory, is already navigable from within seven miles of Mineral Point, in the heart of the Territory, to its junction with Rock river, near the north line of this Territory.

He forcibly remarks, that "the advantages that would result from a water communication with the Mississippi river for the transportation of their heavy products to market, in lieu of the present land route of forty miles, are very apparent. Great facilities would be afforded to the agriculturists of that section, in the transportation of their products to a southern market."

Viewing the subject in this light, your petitioners are of the opinion that the over-wrought importance has been given to the benefit of improving the navigation of Rock river to its intersection with the Mississippi river and Milwaukee canal; thus uniting, by an almost direct route, the vast bodies of agricultural, commercial, and mineral wealth of the Territory. If such work shall be completed, it will not be sectional.

have little to anticipate further from that source toward accomplishing its object, for many years to come.

Looking to the speedy opening of this channel (which, on the part in, is about being constructed), this region of country has become beyond all precedent in the settling of new countries; and that, by their industry, the inhabitants were enabled to pay into the national treasury at the public land sale the past October, a large sum of money for improved farms; but that now a vast amount of agricultural produce is accumulating in the valley of Rock river, without any feasible outlet to a distant market, or the mineral regions on their western border. The direct effect of which is to paralyze their industry and to prevent improvement in the country, and consequently a falling off in the sale of public lands.

The Government still owns the great body of the lands in this valley between the lakes and the Mississippi, which are mostly untimbered, and must remain unsold for a great length of time, unless a navigable communication is opened to the timber country in the north, or the coal fields which abound near to the mouth of Rock river.

Our petitioners firmly believe that a donation of lands which shall amount equal to the expense of making a navigable communication through the waters of Rock river, to intersect with the Milwaukee and Rock rivers, *would at once* enhance what remains of the public domain more than the *present value* of those donated.

Our petitioners would further state, that the lands about to be applied for at second rate value, and that under no circumstances could such much, unless the same were offered for sale with the knowledge of the purchasers, that the funds arising therefrom would be applied in a manner *to give them value*, viz: to open a navigable channel through the country, and the means of bringing timber and fuel for the wants of the country, in exchange.

We, we most respectfully pray your honorable bodies, to enact a law authorizing commissioners to select 150,000 acres of the public lands in the valley of Rock river, and within twenty miles of either bank of the same, from the residue of those not taken up by the settlers or other persons at the Government sales; the proceeds of which to be applied toward the improvement of Rock river for steamboat navigation, from its mouth to the northern termination of the Milwaukee and Rock river canal.

Bass
Dana
Hemmenway
J. Briggs
J. L. Lusk
J. Hathaway
D. Cushing
J. Deere
J. Cummins
J. S. Bard
J. Hathaway
J. Turner
J. R. Hathaway
J. S. Throop

R. Prichard
C. N. Turner
H. W. Bingham
Francis Wheeler
R. Green, jr.
James N. Holly
Joseph C. Parks
Jos. B. Cortright
C. Shipman
J. A. D. Cushing, jr.
Stephen Hicks
A. Packard
M. Warren
Dennis Warren

Edmund Wright
 N. W. Whitmore
 A. W. Lowe
 Elias E. Luke
 Harilah Warel
 J. Murphy
 J. P. Goodrich
 Henry Howland
 P. Stewart
 Alvah B. Howland
 Clark Gould
 Amasa Wood
 Benjamin Rathbun
 Job B. Rathbun
 Josiah P. Whidden
 Robert Willson
 Chester S. Badger
 W. T. Warne
 J. F. Fairbanks
 W. A. House
 A. Brown
 Obadiah Merrill
 F. H. Shaw
 R. L. McKenney
 Alanson Bishop
 Horace C. Crosier
 Samuel N. Anthony
 Lyman Merrill
 Samuel Carr
 D. E. Morgan
 G. D. Johnson
 S. E. Hathaway
 Harley 'I'burber
 David Joselyn
 Hervey Moore
 Hugh Moore
 E. D. Hubbell
 Joseph Crawford
 Solomon Shelhammer
 Geo. D. Clement
 G. T. Ellis
 Baxter Baker
 George L. Herrick
 Rufus O. Spaulding
 William Stephens
 Ebenezer Day
 John Cranchall
 Rodolphus Brown
 Erastus Johnson
 R. L. McKenney
 Wm. K. Dewey
 Salmon C. Cotton

Spooner Ruggles
 William Gwynn Goodland
 John Perrine
 Thomas Klennish
 Orson Eddy
 H. A. Shaw
 Joseph Knox
 J. Wilson Drury
 George Mixter
 P. Gregg
 R. McGrew
 Wm. Frizzell
 Lemuel Andrews
 Sylvester Cleveland
 Peter Grover
 Eli Burbant
 Lewis Patterson
 Simon B. Scott
 Jonathan Patterson
 Joseph Miner
 Levi M. Taft
 Truman Stoddard
 John Grover
 Alanson Grover
 A. L. Mason
 Wm. T. Seville
 Henry Vauscet
 Jonathan Patterson, jr.
 Ira Hersey
 George F. Sampson
 Calvin Harden
 John Jeffery
 Samuel A. Blair
 Edward Bradley
 Geo. A. Bradley
 John J. Jones
 James Coulter
 Augustus Barnaby
 William Thomas
 Charles Brewster
 Joel Clark
 John Keeler
 Truman Keeler
 John Robinson
 Jesse Blin
 Merrill E. Mack
 John Gibson
 James B. Wetherhed
 Bernard Crangle
 Daniel Fairchilds
 J. Russel Jones
 Erastus Pettybone

Jnderhill
 Stevens
 iel Gibson, jr.
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 ien P. Taylor
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 Simons
 ew J. Conklin
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 nes
 t Neely
 n S. Mason
 s Tillotson
 h Briggs
 s B. Lambert

Moses Blood
 Jos. Shinn
 Wm. Bothwell
 Abram Drake
 D. M. Brutal
 J. S. King
 W. Smith
 G. W. Downs
 Wm. R. Streeter
 Levi Hammon
 Ira Druse
 John Kelso
 Charles Hamilton
 A. Westalls
 A. F. Moss
 Asa Williams
 John Whitney
 J. S. Cates
 John Scanlin
 Lucius J. Barber
 James M. Cushman
 Cyrus Cushman
 Peter Rogan
 Josiah Drew
 Wm. Sanborn
 Robert Kennedy
 Enos L. Braman
 John Ball
 James Lee
 Hiram Wheeler
 A. E. Taylor
 C. W. Hayden
 Gay Hayden
 C. D. Taylor
 E. W. Hayden
 R. J. Currier
 Andrew Lansing
 E. G. Phifield
 F. J. Roberts
 Patrick Rogan
 E. L. Massey
 Levi St. John
 Eschyllus Masters
 Eugene Masters
 Hiram Z. Britain
 H. H. Britain
 Wm. A. Gordon
 William Jones, jr.
 Thomas Jones
 David Jones
 John S. Parker
 P. J. Shumway

Brown
 Mark
 Talcott
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 Jeremiah Deane
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 E. M. Miller
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 John Gavins
 Sam. Bowman
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 John G. Bellangy
 Wm. Seaword
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 N. G. H. Morrill
 William Jackson
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 Charles Fisher
 Isaac Norton, jr.
 L. O. Bryan
 F. A. Smith
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 John P. Carmichael
 Eziel Waikfield
 Abner Waikfield
 Augustus R. Dimick
 Jacob C. Sporer
 Charles Radcliff
 Jacob E. Orz
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 William H. McNeill
 Thomas McNeill
 John T. Baker
 Salmon G. Spirot
 Robert Rothwell
 Francis Jepson
 Edwin Godfrey
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 Sylvester Rhycard
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 Thomas Newsom
 John Robbe
 Andrew Lovyer
 Edward Fitch
 S. Twogood
 James L. Convers
 George W. Drury
 Thomas Bamlit
 Joseph Bamlit
 Rufus Tisdale
 George Gay
 R. C. Bushnell
 Henry Ellis
 Stephen Crilly
 Wm. Worthington
 John McDale
 Stephen A. McIntosh
 L. Evart

IN SENATE OF THE UNITED STATES.

MAY 28, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

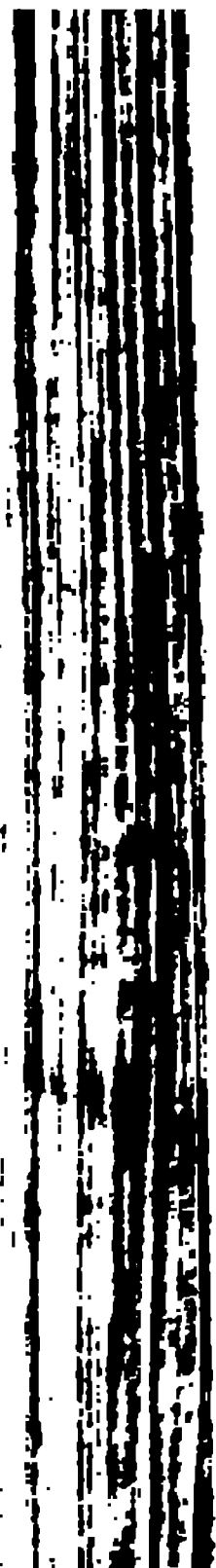
REPORT :

[To accompany bill H. R. No. 123.]

*mittee on Pensions, to whom were referred " An act for the relief
of Dickman, widow of John Dickman," and also the petition of
hebe, report :*

claim rests on four alleged terms of service by the husband in the
war. The first, of one month in 1775, is sustained by the testimony
of the officers and that of the husband, in a declaration to obtain a pension ;
not supported by the rolls of the company. The second term, of
three months in 1775, stands upon the husband's declaration alone, being
not borne out by the rolls nor by other evidence. The third term, of
six months from December, 1775, is satisfactorily proved. The officers'
of the fourth term, in 1776, are not given ; so that no examination of
contemporary evidence at the department, in relation to it, can be made.
It would be doing violence to all the rules adopted by this committee for
uniformity, to sanction this claim upon the evidence furnished ; and the
committee recommend its indefinite postponement.

Wm. B. Ewing, printers.



IN SENATE OF THE UNITED STATES.

MAY 28, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT :

[To accompany bill H. R. No. 184.]

Committee on Pensions, to whom was referred House bill (No. 184) for the relief of John Keeler, report :

ary for which the petitioner claims a pension, is alleged to have
ed on the 30th of April or the 1st of May, 1814. He was dis-
t Fort Barbour on the 22d of June, 1814, "having served the
y required by law." No application appears to have been made
on for more than twenty years after the date of the injury, nor is
explanation why he did not before apply, or any evidence of the
e of the disability from 1814 to 1834. This committee regard
ce on which the committee of the House seem to have reported a
relief, as wholly unsatisfactory, and concur in the opinion of the
ner, expressed in the following letter, viz: "I herewith return the
he case of John Keeler. In February last, when the claimant
s office, I requested Dr. King, the acting Surgeon General, to ex-
l. He did so, and reported that he could discern no disability
ld entitle the applicant to a pension. 'The rolls afford no evi-
tever of his having been in any way injured while in the service.
tion, you will perceive, in this case, is not, that such cases are not
by the invalid pension laws, but that the evidence is not such as
eived as conclusive, after the report made by the chief officer of
al staff. I should not, under such circumstances, be justified in
the claim."

s, printers.



IN SENATE OF THE UNITED STATES.

MAY 28, 1840.

. Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT :

[To accompany bill H. R. No. 128.]

The Committee on Pensions, to whom was referred "An act granting a pension to Catharine Allen, widow of Henry Allen," report :

That, in the opinion of this committee, the evidence is totally insufficient to support the claim. It is general, and does not establish the commencement or duration of the alleged service. It is pretended that Allen received a discharge, and it is stated that the discharge, dated in 1783, was in the hands of an agent in 1818, and is now lost. The testimony of the agent is not produced to show the contents of the discharge, and how it was destroyed ; and no explanation is given for the failure to furnish the agent's testimony in regard to these material facts.

The committee recommend that the bill be indefinitely postponed.

Blair & Rives, printers.

IN SENATE OF THE UNITED STATES.

MAY 28, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT :

The Committee on Pensions, to whom was referred the petition of Lot Stricklin, report :

The petitioner was placed upon the pension roll in 1833, at the rate of *eighty* dollars per annum, for Revolutionary services. In 1835 his name was stricken from the roll on account of objections to the character of his service. He then filed a new declaration, accompanied by new and additional evidence, and was again enrolled at the rate of *forty* dollars per annum; but he was not allowed to receive any thing under the new certificate, until an amount had been retained equal to what had been erroneously paid to him under the first certificate, being one-half of the whole sum, at the rate of eighty dollars per annum, received by him from March 4, 1831, to the time he was stricken from the roll. He complains that this left him without one cent of pension for many years, exposing him to much suffering, and prays for a grant of the amount thus withheld. He also applies for further relief on the ground that he served two years.

A careful examination of the evidence does not convince the committee that he ought to have been allowed a greater pension at first than the pension which he now receives; and they therefore report the following resolution :

Resolved, That the prayer of the petitioner ought not to be granted.

Blair & Rives, printers.

IN SENATE OF THE UNITED STATES,

MAY 28, 1840.

Submitted, and ordered to be printed.

Mr. WILLIAMS made the following

REPORT :

[To accompany bill S. No. 350.]

e Committee on Naval Affairs, to whom was referred a bill to regulate enlistments into the army and navy, report :

That, in the last annual report of the Secretary of War, it is stated that some further legislative enactments are required to prevent improper recruits being received into the military service, and to punish persons who, knowingly and wilfully, swear falsely when taking the oath required by regulations to be administered to them. Minors not unfrequently impose themselves upon the recruiting officer by swearing that they are of age, or producing false certificates of the consent of their parents and guardians to their enlistment, and, after receiving their clothing, and otherwise putting the Government to expense, claim to be released on the plea of being under age. The commission of this crime is of so frequent occurrence as to call for a remedy. It is perjury, and ought to be so regarded and punished." And in the last annual report of the Secretary of the Navy, it is stated, "I deem it proper, also, to bring to your notice an abuse of great importance to the interest of the service. Numerous instances occur of the enlistment of minors, and it is obviously impossible to discriminate between those who are, and those who are not, of legal age. After receiving the advance of money, and becoming, perhaps, indebted to the purser in addition, they apply to a lawyer or magistrate, procure a *habeas corpus*, and obtain their release without any legal obligations to pay the debt thus contracted. The instructions to recruiting officers authorize them to cause an oath to be administered in cases of doubt; but it has been decided that its violation does not subject the offender to legal punishment. Cases analagous to these frequently occur in the enlistment of apprentices authorized by the act of Congress. They are occasionally presented by persons claiming to be their parents or guardians, and received accordingly. After remaining until they are sufficiently educated, and capable of being useful to their real parents, the latter come forward and prove the whole case a fraud, procure a *habeas corpus*, and release the apprentice after he has been maintained and educated at the public expense. I would therefore respectfully recommend the passage of a law authorizing recruiting officers to cause an oath to be administered to persons offering for enlistment in cases where their majority is

doubted, and in every case to parents or guardians, apprentices to the navy, the violation of which shall subject the offender to legal prosecution.

From these official representations the necessity of the amendment is apparent, and the committee recommends its passage.

IN SENATE OF THE UNITED STATES.

MAY 29, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT:

The Committee on Pensions, to whom was referred the petition of Ambrose Carey, report:

This claim was rejected at the department "because," says the Commissioner of Pensions in a letter of May 25, 1840, "his name is not borne on the rolls of the Virginia State troops, in which he alleges he rendered the service. There were no troops at Richmond in 1782, in November of which year he alleges he was discharged from Colonel Dabney's regiment" (at Richmond). "The presumption raised against his claim by the silence of the records is met by the testimony of a witness, whose allegation of service in the same regiment is in like manner discredited by the record. It is also believed that the witness has never applied for a pension, or, if he did, he must be the individual of that name who alleged service in the North Carolina line. Ambrose Carey applied for the first time in last year, as you will perceive." Until the explanation of the delay in the application of the petitioner, and the cause why the witness, Samuel Wallace, has never applied for a pension for his service in Colonel Dabney's regiment, which, in both his own and the petitioner's case, is asserted to have been of eighteen months' duration, are given, the silence of the records must remain conclusive against the claim. It can hardly be supposed that Wallace served eighteen months, and would have never advanced a claim for a pension; and if he be the person of that name who alleged service in the North Carolina line, without naming this term, so long and so easy to be established, if true, he is most surely not to be believed now.

The committee cannot, against the presumption raised by the silence of the records, and under circumstances which throw doubt and discredit over the testimony, sanction this claim.

They report the following resolution:

Resolved, That the prayer of the petitioner be not granted.

Blair & Rives, printers.

IN SENATE OF THE UNITED STATES.

MAY 29, 1840.

Submitted, and ordered to be printed.

Mr. WHITE made the following

REPORT :

[To accompany bill S. No. 360.]

The Committee on Pensions, to whom was referred the petition of Mary Prettyman, widow of Thomas G. Prettyman, deceased, report :

That the deceased, Thomas G. Prettyman, being a sergeant in Captain Edward Asquith's company of sharp-shooters, rifle battalion, 3d brigade, Maryland militia, in the service of the United States, was taken a prisoner at the battle of North Point, on the 12th day of September, 1814 ; and, during an imprisonment of more than three months on board ship and in the dungeons of Bermuda, he incurred, from rigorous treatment and exposure, debility and disease, in the form of rheumatic and pulmonary complaints, from which he never recovered, and which terminated his life on the 11th day of December, 1837. He filed his application with the Executive Department to be enrolled as an invalid pensioner on the 12th of May, 1836, which claim was not allowed on account of the supposed insufficiency of the evidence. Since his death, leaving his widow, the petitioner, in dependent circumstances, with a large family of children, the evidence has been strengthened, and is, in the opinion of the committee, abundantly sufficient (if produced) to have entitled the deceased to the benefit of the invalid pension laws. As the only means of meting to the family of the deceased the justice which his country owed him, the committee have reported a bill, giving to the widow the monthly pay of a sergeant equal to a period of seventeen months, viz : from the 12th of May, 1836, the date of deceased's application, to the 11th of December, 1837, being the time of his death.

W. Rives & Co., printers.



IN SENATE OF THE UNITED STATES.

MAY 29, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT :

[To accompany bill S. No. 359.]

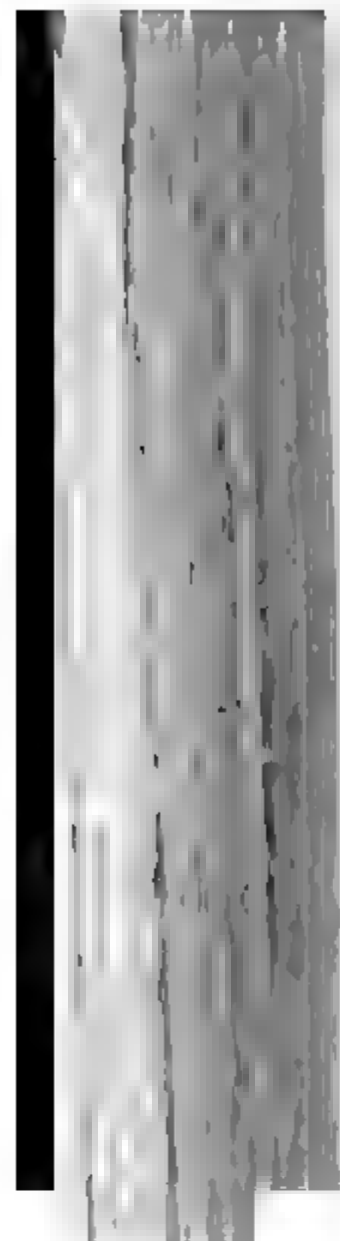
Committee on Pensions, to whom was referred the petition of Mary Snow, widow of Jonas Snow, report :

Committee concur in the report made to the House of Representatives in this case, on the 6th April, 1838, which contains the following statement of the case, and which will be found to be correct on examination,

Petitioner, Mary Snow, is the widow of Jonas Snow, who served in the Revolution, and died in 1813 : she was married in 1777. Her petition is accompanied by several affidavits proving that the said Jonas Snow served as sergeant, ensign, and lieutenant. The Commissioner did not sustain the claim of the petitioner, on the ground that "there is no satisfactory evidence that any service was rendered by the claimant's husband prior to the date of the marriage." He says : "If the names of the regimental officers under whom the service was rendered in 1777 could be furnished, it would result in establishing the claim." The witnesses state that he was in the service at different times after the marriage. He first entered the service in the spring of the year 1775, and served nine months. He then re-enlisted and served as sergeant one year ; and continued in the service, and attained the rank of lieutenant ; and served, as one witness states, as lieutenant, for one year."

Committee report the accompanying bill for twelve months' service and pay.

Wm. B. Ewing, printers.



MESSAGE

FROM

PRESIDENT OF THE UNITED STATES,

IN RELATION TO

*edings instituted under a resolution of Congress to try the title
to the Pea Patch island in the Delaware river.*

MAY 25, 1840.

Read, and referred to the Committee on the Judiciary.

MAY 29, 1840.

Ordered to be printed.

nate of the United States :

ait a communication from the Secretary of War, together with the
rein referred to, relative to the proceedings instituted under a res-

Congress, to try the title to the Pea Patch island in the Dela-
; and recommend that Congress pass a special act, giving to the
irt of the district of Maryland jurisdiction to try the cause.

M. VAN BUREN.

INGTON, *May 23, 1840.*

WAR DEPARTMENT, *May 23, 1840.*

have the honor to transmit, herewith, a communication addressed
retary of War by the Solicitor of the Treasury, covering copies
spondence between that officer and the counsel and agent of the
octor Gale, relative to the proceedings instituted under a resolution
s to try the title to the Pea Patch island in the Delaware river.

ows taken by the Solicitor relative to this matter, are concurred in
partment, and I respectfully recommend that his suggestions to
special act of Congress, giving to the circuit court of the district
nd jurisdiction to try the cause, be complied with.

spectfully, your most obedient servant,

J. R. POINSETT.

RESIDENT *of the United States.*

OFFICE OF THE SOLICITOR OF THE TREASURY,
May 1, 1840.

herewith enclosed, are copies of the recent correspondence between
and the counsel and agent of the heirs of Doctor Gale, relative to
dings instituted under a resolution of Congress to try the title to
atch island in the Delaware river, concerning which, I request
directions be given as may be considered advisable.

es, printers,

t, is not a nullity, but one under which possession may be taken ; am willing to concede to the adverse counsel equal sincerity in the ns expressed by them to the contrary. It is therefore very desirable e a satisfactory hearing of the cause in the Supreme Court of the l States.

to obtain this object, I propose that Congress be requested to pass a spe- cial act giving to the circuit court of the district of Maryland jurisdiction to e cause. This may be done at the present session, and the cause can be instituted anew, and brought to a final hearing, by consent of parties, at the next term of the Supreme Court ; or, if no consent can be obtained, the cause may be progressed with as rapidly in Baltimore as in any other court. Against a proposition of this kind, there can be no just cause of objection on the part of either Delaware or New Jersey.

Very respectfully yours,

M. BIRCHARD,

Solicitor of the Treasury.

A. J. R. POINSETT,

Secretary of War.

of papers sent with the letter of the Solicitor of the Treasury, to the Secretary of War, dated May 1, 1840.

of a letter from the Solicitor of the Treasury to district attorney of Delaware, dated March 29, 1839.

of a letter from same to same, of July 11, 1839.

of a letter from same to J. T. Hudson, dated July 11, 1839.

of a letter from Messrs. Wall and Southard, to the Solicitor of the Treasury, dated August 17, 1839.

of a letter from the Solicitor of the Treasury, to Messrs. Wall and Southard, dated October 8, 1839.

of a letter from same to Colonel J. G. Totten, Chief Engineer, dated November 23, 1839.

of a letter from same to Messrs. Wall and Southard, dated January 8, 1840.

of a letter from J. T. Hudson, to the Secretary of War, dated March 3, 1840.

of a letter from the Solicitor of the Treasury, to J. T. Hudson, dated March 12, 1840.

of a letter from Messrs. Wall and Southard, to the Solicitor of the Treasury, dated April 9, 1840.

of the committee of the House of Representatives, 24th Cong.
No. 92; of the Senate document, 25th Congress, 2d session,
Executive document, 25th Congress, 3d session, No. 43
furnish you with general information in regard to the present
controversy. Any thing further that you may require will
be on application to this office. It is the desire of the Secretary
that the suit should be commenced and proceeded with as rapidly
as possible, and in order that it may, if necessary, be taken to the Supreme Court.

Very respectfully, yours,

H. D.
Solicitor

JAMES A. BAYARD, Esq.,
U. S. Attorney, New Castle, Delaware.

OFFICE OF THE SOLICITOR OF THE

SIR: The Secretary of War has transmitted to this office
his report, dated 8th instant. I enclose you copies of my correspondence
with him; from which you will perceive the view I have taken of the
subject, and also the reason why no instructions have been
issued under the judgment obtained in favor of the United States
at the May term of the circuit court in your district. No interference
with the present position of the property, or with the articles
belonging to the United States, can be permitted while the
question of title are pending. As the report of Mr. Bayard
apprehend that such may be attempted, I have requested that he
be sent to the island, to apprise you immediately of any
kind, and to receive the possession on behalf of the United States.
The agent for this purpose is Lieutenant M. C. Meigs; who will
be sent to Delaware, and who is instructed to communicate with you.

OFFICE OF THE SOLICITOR OF THE TREASURY,
July 11, 1839.

SIR: I had the honor to receive your letter of the 27th June, in reply to
of the 17th, and have been in expectation of receiving the further com-
munication which you promise after consulting your counsel. The desire
of the United States in the proceedings on their part being, as I stated to you,
to bring the question of title with as little delay as possible, and especially so
as to bring it if necessary before the Supreme Court at their next session;
this being also, as I understood from you, your own wish, I have been
expecting that you would direct an appearance to the ejectment in the usual
form, upon which I might instruct the district attorney to consent to the
ejectment being opened, and the case put at issue with as little delay as pos-
sible.

This I still hope to do at a very early day.

In the meantime, no measures have been adopted to take possession
of the judgment, nor was it intended to resort to them, if the case was
to train for a judicial decision on the question of title; it being expected
that the property should remain in its present position, and the articles there-
on which belong to the United States, should not be interfered with. I have,
however, received from the Secretary of War a letter dated the 6th instant,
sent by Mr. Belin, the agent of the Engineer Department, in which he
states that Mr. Cockrin, the overseer at Fort Dearborn, has informed him
that your attorney came on the island, on the 2d instant, and stated his in-
tention of taking away the hay, and also intimated that he would take the
timber and other materials on the island. Of course, during the pendency of
the proceedings no interference of this kind could be allowed, and the
great value of the property of the United States on the island, will make it
necessary, should such be attempted, at once to take possession under the
ejectment. I shall accordingly give instructions to the district attorney in
due season, to have a writ of possession issued, should any such attempt be
made before I am informed by you of the course you propose to adopt, but
otherwise.

I have no doubt that a satisfactory arrangement for trying the title and
settling the rights of both parties unimpaired, as they mutually desire, can
be made; but you will perceive, from the circumstances I have mentioned,
the necessity of this being done as speedily as possible, and of my desiring
therefore an early communication from you on the subject.

Very respectfully, yours,

H. D. GILPIN,
Solicitor of the Treasury.

T. HUDSON, Esq.,
No. 65, Broadway, New York.

NEW JERSEY, *August 17, 1839.*

SIR: Colonel J. T. Hudson, who represents the heirs of Doctor Gale, has
sent to us your letter of the 11th July, and requested us to communicate
to you on the subject. We have to apologise for delay. It has arisen
entirely from an injury received by one of us, which prevented his attention
to business. We were the counsel of Doctor Gale many years ago, and
more recently been employed by his heirs in their claim to the Pea-
ce Island on which Fort Delaware has been erected. Our duty as their coun-

sel was performed in the trial of the cause in the circuit court of the United States for this district. We have, at all times, and under all circumstances entertained but one opinion of their rights, of the duty of the Government, and of our obligations as citizens of New Jersey. In your letter you propose to open the judgment, by default recently obtained, in Delaware, and to permit appearance, plea, and trial there.

There are difficulties in this course, to which we beg your attention; we cannot consider it just, nor one which Colonel Hudson can properly take on his own responsibility. He is now in possession, on a *judgment of a court of the United States*. The proposition is, in effect, that he should consider that judgment of no validity, and go into a court in Delaware to *try over a question* already settled by a *court of the same jurisdiction* in New Jersey. If we perceived any thing in the proceedings which could call in question the fairness or legality of the trial, we might advise him to give his assent. But it was before a judge of the Supreme Court of the United States, not an inhabitant of either State, and with no possible partialities but those of law and justice—the district judge avoiding all interference. There was full and ample notice to *all* who were in any way interested. The service of process was doubtless communicated by the officers of the Government to the Executive; and, at *our request*, as counsel of the plaintiff, the district attorney gave early information of the time and place of trial to the War Department, and to public officers in Delaware, although the necessity of giving notice to the latter was not perceived by us. He also requested aid in the trial.

When the time arrived, the plaintiff was prepared at great expense; the district attorney, being without aid, requested a postponement. At his request alone, and without legal cause, we consented, and a time, some months distant, was mutually agreed on for the trial: of this postponement, and of the time agreed on for the trial, the district attorney gave notice. The plaintiff was moved to this *concession* by his desire for a full investigation and final settlement of his protracted controversy. At the appointed time, the district attorney found himself alone, neither the Government nor Delaware having thought it their duty to send any aid to him. The cause was tried by him with all commendable research, to which we believe little could have been added by any assistance which might have been afforded to him.

The charge of the judge, the verdict of the jury, and a full state of the case, were immediately transmitted to the Government, and the department was requested (if any doubts existed as to the propriety of the decision) to carry the case before the Supreme Court. For this course the plaintiff and his counsel were anxious, that they might see the termination of their troubles. It was declined: and the succeeding term of the Supreme Court passed without any step being taken to secure a review. We are assured that this was not an oversight, but the result of consultation and advice, that the decision ought not and could not be reversed. It was followed by a recommendation of the Executive that authority should be given to sustain the claim. Why the recommendation was disregarded, it is not our province to state.

After waiting for many months, possession was, in due process of law, delivered to the plaintiff; and the persons on the island, being the officers and agents of the Government, executed leases and became his tenants, and this act was done with the knowledge and, we presume, the approbation of the department.

as in this state of things that the resolution of the last session was

All that we understand it to require is, that there should be a delay by a competent tribunal. This we hold to have been already had ; there be any defect, it can require nothing more than a review by the judicial tribunal, the Supreme Court of the United States. To this plaintiff will assent, provided he can thereby avoid all delay and expense. In carrying up the cause, the department has thought proper to institute a new suit—not in the court sitting in New Jersey, but in the circuit court of the United States for Delaware—a court of no higher or better authority than the one in which it has already been tried. The process was served on a tenant of Colonel Hudson, who had been, and perhaps considered himself, in the service of the United States. Colonel Hudson was absent, and this tenant, either through ignorance or for another justifiable reason, gave him no notice ; and judgment by default was rendered against him before he was aware that suit had been brought. Of course he might have taken under the advice of counsel, if he had been apprised of the suit, it is now unnecessary to inquire. We then ask, why carry the cause in Delaware rather than New Jersey ? Is there less of feeling for better security for law and justice in the former than in the latter ? For the settlement of the controversy, take a cause circumstanced as judgment by default is, in preference to the one already tried before an equal court. The only benefit which we can perceive is to weary out the defendant, and subject him to expense which he may not be able to bear. And those for whom and under whom he claims have been more than a century seeking what they believe, and what we believe, to be their just rights. They were driven by military force from the possession of this property, for which, and the improvements upon it, they had expended between six and ten thousand dollars, and of which they had been in peaceful and undisturbed possession for several years ; and they have since been expending, in soliciting redress, many thousands more. Is it not a harsh proceeding to require them to give up a judgment of the highest court of the State for such causes, and voluntarily subject themselves to the expense of going into another State, and into another court of no higher authority than the first, without any possible motive but to gratify those who, with full knowledge, neglected and refused to meet them before a tribunal where, to the best of the least, law and justice could be equally well administered ? The action of Congress, in our opinion, demands no such sacrifice. After the oppression and impoverishment which they have already suffered, it would be cruelty and injustice. In the view which we take of the resolution, nothing more can be required than that there should be a decision on the merits by a competent tribunal. Although we think this has already been done, and that if it be not satisfactory, we then propose to you, and Colonel Hudson, that we agree to it, that the cause tried in the circuit court of the United States in New Jersey be prepared by the proper officers of the Government (if you please), and carried before the Supreme Court of the United States at the next term, and by that tribunal finally decided ; and, that there be no question or complaint as to the evidence and the case stated, we hereby agree that either party may add to the case or bill of exceptions such facts which may be proved by competent evidence, and which may be considered as important or necessary to present the whole title on both sides. Our proposition is not less *legal* than the one which you have made, and has the merit of saving to both parties an enormous expense, burdensome,

at least, to the claimants of the property—a consideration which a Government will not disregard. It will deny to neither party any of the right, and we believe will be satisfactory to those who seek justice, and justice only.

Independent of the considerations which affect the heirs of Dr. Gale personally, there are others which seem to us to require the consideration which we propose. New Jersey has always claimed this island: it was once a part of the main land of the State—not an island, but a reef, or break, running out from her shore, which the force of the current and other circumstances converted into an island within the memory of many of her inhabitants. In 1820 she declared it, by law, to be a part of one of her counties: in 1821 she directed her Executive to protect the jurisdiction which embraces it, and thus applied to it her penal laws which were in existence to protect that jurisdiction within all her limits. The claimants of this island are under her protection, and hold under her title: we therefore respectfully suggest to you that these claimants ought to be very careful how they compromise her jurisdiction, and after full and fair trial, with ample notice, to yield that jurisdiction, and go into a tribunal sitting in another State to try her and their rights. As citizens of the State, we protest against this voluntary sacrifice of her rights, and interests, and honor, a sacrifice which we deem totally unnecessary and uncalled for by the position in which the case now stands, or by any possible interests which the *Government of the Union can have in the subject.*

We observe in your letter the intimation that the Government may, under certain circumstances, take possession of the island, under their judgment by default, obtained as it was. We sincerely hope that this may be attempted. The claimants of this property are now in peaceable possession by the judgment of a court of the United States, and by the implication, and we do not doubt, the express assent of the Government in the measures which have been made. The owners will do nothing which every possessor of land, under the laws of the State, may not properly do. They will not destroy or injure the property which heretofore belonged to the Government. They will only use the *accruing profits* of the land, and claim a landlord's rights over the tenants. These, under the laws of the State and the judgment of the court, they will claim and exercise until they are dispossessed. But the Government may be assured that there will be no destruction or sale of its property until a final settlement of the controversy, or until there is no satisfactory hope left that such settlement can be made. All that the claimants will do, and this they will not fail to do, is to maintain inviolate the laws of the State, and their possession under the laws. Whoever may come, and with whatever pretence, to disturb these, they will meet with a proper and legal resistance. They will take care, and the people of New Jersey will aid them, that no one *having no legal authority within the limits of the State* shall, under any pretence, interfere with them. The State has highly penal laws on her statute book for violations of her jurisdiction, and all her citizens will see to it that these are not disregarded. *The officers of the Union of other States* have no right to serve process within her limits, and we entreat that they may not attempt it. If they do, they and we must meet the consequences. We earnestly desire that the disorder and confusion which would necessarily arise from executing judgment by default, without notice and without trial of the rights of another State, may be avoided; and we solicit you, therefore, to

the proposition we now make, not less as counsel of the claimants as citizens of New Jersey. We know that every citizen of New Jersey will promptly and cheerfully yield obedience to the laws of the Union and the judgment of her tribunals: but they will submit with ill grace to a course toward one of their fellow-citizens which is oppressive, and not justified by law and the sentiments of justice.

We are, very respectfully, &c., &c.,

GARRET D. WALL,
SAMUEL L. SOUTHARD.

HENRY D. GILPIN, Esq.,
Solicitor of the Treasury.

OFFICE OF THE SOLICITOR OF THE TREASURY,
October 8, 1839.

GENTLEMEN: Your letter of the 17th August, in reply to my proposition, to Mr. Hudson, on the 17th June, and repeated on the 11th July, did reach this office till the 21st September. I should have replied to it immediately, but was desirous of first submitting the subject to the Secretary of War, as it is committed to him by the resolution of Congress, and has been placed by him under the charge of this office.

It may be proper in the outset to remark, and indeed your letter makes it possible to do so, that no opinion was intended to be expressed as to the validity of the title derived by Mr. Hudson, under the State of New Jersey, compared with that of the United States under the State of Delaware, although the latter is that in regard to which the resolution of Congress is a judicial inquiry to be made; yet, as it is a question of boundary between the two States, and the grant of each was of course made under a pretence in its own title, it was thought in every respect right that it should be left to a judicial decision.

It is also proper to observe that when the question was decided in the Circuit Court of New Jersey, the Attorney General expressed the opinion that, on the points of fact submitted to the jury in that cause, and on the law as laid upon them by the court, there was no ground for further judicial investigation. The War Department at once acquiesced in this, and an appropriation for an appropriation in accordance therewith was made.

Congress, however, having all the proceedings on that trial before them, ordered a further judicial examination. This it was supposed could only be done from their belief, that there were some matters of fact and points of law which had not come into consideration at that trial, but which were thought material to the case. From an examination of those proceedings as printed by Congress it would seem that there were some additional questions of fact

the actual exercise of jurisdiction over the waters of the Delaware, and low-water mark by New Jersey, previous to the purchase by the United States, as well under the proprietary as the State Government; the exercise of admiralty and revenue jurisdiction by the courts of the United States; the situation of the main channel of the river and the shoals therein, if any; the alleged former connexion between the island and the main land, and the chain of proprietary title in regard to boundary and jurisdiction; all or some of which were susceptible of fuller evidence, and might, perhaps, have affected the opinion of the court.

Under these circumstances it appeared impossible to comply with the intentions of Congress by merely removing the record of the case tried in New Jersey to the Supreme Court, but that a new trial was necessary; and as the previous trial had taken place in New Jersey, and as the title of the United States was derived from Delaware, it seemed to be incumbent (without intending thereby to express a preference for one district over another) to bring the new suit in the circuit court of Delaware, with attention, however, of carrying the case to the Supreme Court, when the record could have been so made up as to present every question of fact and law which could be deemed material. This office, therefore, was directed to do, by the Secretary of War, under instructions from the President.

In June last, immediately after the judgment by default was obtained, I wanted of an appearance or defence on the part of Mr. Hudson, I informed him, in a personal interview and subsequently in writing, that there was a desire to proceed under it; that the Secretary of War was anxious for a new trial on its merits as Congress had directed; and that, if he was now willing to appear and defend the case so that this end might be attained, the judgment should at once be opened. In this manner any inconvenience that might have sustained from the neglect of the tenants to give him notice of the service of the ejectment (which I am sure was only through ignorance or accident), would have been obviated and the case be ready for trial at the next term, which was probably as early as it could be under any circumstances.

You decline this proposition on the part of Mr. Hudson, as one involving him in the expense and trouble of a new trial, and propose that, instead of this, the cause already tried in the circuit court of New Jersey be prepared and carried before the Supreme Court of the United States at the next term, and that either party may add to the case or bill of exceptions any facts which may be proved by competent evidence, and which may be regarded as important or necessary to present the whole title on both sides. The objections to this mode, are, that judgment having passed in the circuit court of New Jersey, the record having been made up, and the charge of the court being founded upon no other evidence than that already stated, it is impossible now to amend the record, even by consent, in such a way as would induce the Supreme Court to take notice of additional points of fact and law, beside which, as the charge of Judge Baldwin has only reference to the facts before him, it would not be applicable to such new state of the case, nor would the exceptions to it present the points which Congress apparently have contemplated.

Concurring with you, however, in the opinion that the decision of the Supreme Court is what ought to be sought for under the directions of Congress, and this with the least expense or trouble to Mr. Hudson, it appears to me, if he is not willing to try the case in the circuit court of Delaware, yet that a statement of facts might be agreed on, the judgment there being opened, and the agreed case submitted, without argument, to the Supreme Court, whose charge thereon would be, under such circumstances, proper, or, at least, general in its character, and an exception to it would bring the whole case both of law and fact to the Supreme Court. If you will furnish me with a statement of the case to which Mr. Hudson agrees, without delay add to it such other facts, if any, as are deemed necessary, and submit them to you. Should we not be able to agree on any matters of fact, depositions may be taken under a joint proceeding. As the circuit court

ware meets on the 22d instant, I shall be much obliged by your an-
in season, to enable me to have the matter mentioned to the court,
I will then doubtless fix a subsequent day, long enough to give time
all preparation by the parties, and yet to bring the matter before the
eme Court at its next term.

cannot conclude this letter without desiring to remove the impression
your letter seems to convey, that there is any disposition or intention
acute the duty imposed by Congress in a manner that might seem inju-
or unjust to Mr. Hudson. On the contrary, the previous judicial de-
was, as you are aware, acquiesced in by the War Department at once,
the matter is now revived only in obedience to the directions of Congress,
in a manner which may present the case to the judicial tribunals as that
appears to have intended. In regard to the writ of possession to which
refer, you will perceive by my previous correspondence, that the matter
out of an official report to the Secretary of War, that an agent of
Hudson's had declared his intention of removing some of the military
property of the United States upon the island. As the public property there
is one hundred thousand dollars in value, the Secretary of War deem-
himself bound to protect it, until the legal controversy should be decided.
Correspondence with Mr. Hudson in July last will explain this to you,
now you that while waiting for this, and as long as the public prop-
erty was permitted to remain undisturbed, there was no desire whatever to
interfere with the present arrangements, or with the cutting and use of the
property by Mr. Hudson.

Very respectfully, yours,

H. D. GILPIN,
Solicitor of the Treasury.

MESSRS. WALL and SOUTHARD,
New Jersey.

OFFICE OF SOLICITOR OF THE TREASURY,
November 23, 1839.

SIR: In reply to your letter of the 19th instant, I have to state that, on
18th of March last, the Secretary of War, by instructions of the Presi-
dent, and for the purpose of carrying into effect the joint resolution of
Congress relative to the title of the United States to the Pea Patch island,
referred this office to bring the matter into the circuit court of the Uni-
ted States for the district of Delaware. In compliance with the wishes
of the Secretary, a letter was addressed on the 29th of March, 1839, to the
district attorney of the United States for that district, in which he was in-
structed to institute an action of ejectment against the tenants in posses-
sion of the Pea Patch island in the circuit court of the United States for
that district, to try the title of the United States to that island. In pur-
suance of these instructions, suit was brought on the 17th of May; and
on the 20th of May the declarations in ejectment were served on the ten-
ants in possession. On the 28th of May, the circuit court held its ses-
sion, and, no person appearing to the ejectment, service of the declaration
being proved, and judgment by default entered in favor of the United States.
On the 17th of June, 1839, a letter was addressed to Mr. J. T. Hudson,
claimant of the island, advising him of these circumstances; and that,

OFFICE OF THE SOLICITOR OF THE TREASURY,
March 12, 1840.

1: In reply to your letter of the 3d instant, addressed to the Secretary
 ar, I have the honor to inform you, that the annual session of the Su-
 3 Court has closed without any action in reference to the controversy
 3ting the Pea Patch island. In fact, this office has received no reply
 letter of my predecessor, of the 8th of October last, offering, as I think,
 7 reasonable proposition, with a view to effect a fair hearing of the cause
 t court in accordance with the resolution of Congress ; yet the attention
 ssrs. Southard and Wall was afterward called to the subject, by let-
 ted January 8, 1840. Unless you see proper to accept of those terms,
 can agree on some other more satisfactory, I am not aware that any
 course, than to take possession under the judgment which has been
 ed, will be left for the department. It is believed, that upon a full,
 ial of the cause, the title of the United States will be, and ought to be,
 ned. There is, therefore, no disposition to evade a fair hearing in
 oper court, which, it is believed, was solicited by my predecessor. I
 be obliged to you for a reply, stating whether you wish further delay,
 whether the proposition made by Mr. Gilpin on the 8th October has
 definitively rejected or not.

Very respectfully, yours,

M. BIRCHARD,
Solicitor of the Treasury.

F. HUDSON, Esq.,
No. 21, Broadway, New York.

WASHINGTON, *April 9, 1840.*

1: We had the honor of receiving the communication of the former
 tor of the Treasury, under the date of the 28th [8th] of October, and
 e 8th of January, in relation to the claim of the United States to the
 Patch island, in the river Delaware, recovered by the heirs of the late
 Henry Gale, in the circuit court of the United States, in and for the
 ct of New Jersey. After a full and deliberate examination of the
 sitions submitted, we feel ourselves compelled by a sense of duty, both
 r clients and to the State of which we are citizens, to decline accepting

ie claim of the heirs of Doctor Gale is founded on a survey approved
 e proprietors of West New Jersey, confirmed by a grant from the State
 w Jersey, and a possession of more than thirty years, undisturbed by
 dverse claim. The State of New Jersey has always claimed jurisdic-
 of the *locus in quo*, and, by her statutes, has expressly included the Pea
 a within the limits of the State, and asserted her jurisdiction over it.
 r these circumstances, the undersigned conceive that they cannot con-
 o any act which might be deemed an acquiescence in the title set up
 3ely to the claim of New Jersey to the exclusive jurisdiction over the
 Patch, as contained within her territorial limits. They feel, also, re-
 ed by another consideration. New Jersey has deemed it necessary
 e protection of her jurisdiction, as claimed and defined by her own
 to pass acts subjecting any person, who shall attempt to execute pro-

ve States, and involve a question of boundary, we propose that the d States obtain the consent of Delaware to commence a suit, in the me Court of the United States, against the State of New Jersey, to the same finally settled, and bring the suit accordingly ; which, by nt, may be prepared for the next term. New Jersey has, on more one occasion, proffered to Delaware to choose commissioners for that use ; but, hitherto, without being met by Delaware in the same . New Jersey could not commence a suit against Delaware to settle oundary, because there is no evidence that Delaware ever exercised ict of jurisdiction within the limits claimed by New Jersey, and as- l and defined by her statutes ; and, at all events, New Jersey has : been interfered with in the same limits. No such difficulty is found the acts of New Jersey.

the event of the acceptance of either proposition, it is to be under- that all technicalities and mere technical exceptions be waved, to nd that the cause may be tried upon its merits, and with as much tch as the nature of the case will admit.

e cannot concur in some of the views expressed in the letter of the f October last ; but upon those subjects of difference, we have dis- ly expressed our opinion, in our letter of the 17th of August last ; we have only to say that those views are unchanged. We merely, ver, beg leave to remark, in relation to the observation in your letter e 12th March, “ that, upon a full and fair trial of the cause, the title e United States will be and ought to be sustained ; “ that, if such is opinion of the law officers of the Government of the United States, the ositions we have made will give such full and fair trial ; and we are ng to abide the issue.

he undersigned beg leave to assure you, that they decline the offers e by the former Solicitor, not under any apprehension of the validity e title of their client, or any distrust of the justice or impartiality of circuit court of the United States in and for the district of Delaware, ry fear of not receiving impartial justice from a jury selected in that ict. They feel entire confidence that the case of their client is so iently just and legal that it must prevail in any court. They are con- ned to decline the offers solely for the reasons before stated.

e have further to remark, that the claimants in this case have no dis- ion to embarrass the action of the General Government in providing he defence of the country ; and have on all occasions manifested an est desire to have this controversy settled. It was with great reluc- e that they appealed to the law of the land ; and that appeal was made e courts of the United States. They have taken possession of the ted premises under the sanction of those laws ; and, still further to e the sincerity of their profession, they have suffered the United s to remain in possession, hitherto as their tenants, in the hope that e, which has so long been withheld, would be done to them, and all tion ended.

however, they should be disappointed, in these just and reasonable ctations, and litigation should again be renewed, they have a right to ct and to ask that the United States should restore the possession to t before any adverse proceedings commence.

he decision, if any, in Delaware, is wholly a nullity, and cannot free United States from the plain obligations of law and justice in surren-

dering the possession which they acquired as tenants before assuming a hostile position against their landlord.

We have the honor to be, sir, with great respect, your obedient

GARRET D. WA

SAM'L L. SOUTE

Hon. M. BIRCHARD,
Solicitor of the Treasury.

PETITION

OF

SAMUEL MARTIN,

Praying a reduction of the rates of letter postage.

MAY 28, 1840.

to the Committee on the Post Office and Post Roads, and ordered to be printed.

Senate of the United States :

petitioner respectfully states that, during the session of Congress and 1832, he had presented to the House of Representatives a petition asking that the rates of postage on letters be reduced gradually but, as they might think proper, until the highest be not exceeding . I had, and do yet believe, it would be the best means of diffusing information among the people, and would tend to do away the monopoly privilege ; putting all on an equality as respects sending and receiving letters. During the last year the British Parliament have taken matter, and brought it rather lower than I ever expected to see it here of it in that country. I believe the law is only one penny—about its cost on single letters ; and the newspaper report is, that the income of the Post Office is not reduced. But even if it had been reduced, I think the arrangement was proper even if one-half of the expense had to be paid out of the general income of the nation. Previous to my petition being presented to Congress, I solicited the assistance of many important stations in society, among which were the Presidents of the United States then alive—General Jackson, James Madison, James Monroe, and, I think, John Q. Adams, and Judge Marshall. From James Madison and Judge Marshall I received answers not very flattering to the success of my plan ; from the others I received no answer. From the Whig Whig, Matthew Carey, I also received an answer, but it did not show his approval. Now, gentlemen, this was bad encouragement, never doubted once of the success of the plan ; it must and will

For fifteen years it has engaged my unremitting attention ; and when I came to the House, in 1831 I believe, was the first of the kind presented to any legislative body. May I hope that you will give this matter your attention, and, if no more at this session, pass a law giving to the publishers of newspapers their letters to and from free of postage, for they must publish the laws of Congress in their papers without cost, and, if you grant the prayer of your petitioner, he, as in duty bound, will say you deserve well of your country.

SAMUEL MARTIN,
Campbell's Station, Tennessee.



REPORT

FROM

THE SECRETARY OF THE NAVY,

IN COMPLIANCE

With a resolution of the Senate, in relation to the adoption of the improved boarding-pistols and rifles invented by Samuel Colt.

MAY 18, 1840.

Read, and referred to the Committee on Naval Affairs.

MAY 25, 1840.

Ordered to be printed.

NAVY DEPARTMENT, *May 16, 1840.*

SIR: In obedience to the resolution of the Senate of the 20th of March I have the honor to transmit a copy of the report of the board of officers appointed to witness an exhibition of the improved boarding-pistols and rifles invented by Samuel Colt, together with their opinion of the advantages to be derived from the adoption of the same, for the service of boarders and marines.

I am, very respectfully, your obedient servant,

J. K. PAULDING.

HON. R. M. JOHNSON,
President of the Senate.

WASHINGTON, *May 1, 1840.*

GENTLEMEN: Agreeably to your request I have made a memorandum in which I consider the advantages to be derived from the use of my repeating-arms in the various services of the navy, and to prove that it is my wish to have them tested in the manner herein set forth; which experiments I will be glad to submit them to any further that your honorable board may request.

To prove their simplicity.—Count all the pieces contained in a common regiment musket and ship-pistol and Hall's rifle; count all the pieces contained in my musket, rifle, and ship-pistol; ascertain the number of pieces in the locks of each of the arms examined.

This examination will show that the number of pieces in the locks of repeating-guns is no more than in the simplest of common construction—and the entire number of pieces composing one of my repeating-

& Rives, printers,

guns is considerably less than those used in Government service. It will composing the lock of my repeating-arm construction than those in the Government in proportion to the work they have to do to get out of order as the common arms when broken.

To prove their safety.—Load the receiver cover the chambers with loose powder of fire. It will be found that the chambers will not discharge. Cock the gun for firing, cock the hammer, and fire the charge opposite the barrel. The loose powder will be jarred away and the cap will remain unburnt. Reload the receiver with percussion-caps with loose powder in the muzzle down to prevent the loose powder from discharging. It will be found that not one of the caps will be burnt, any much less any of the experiments will prove that carelessness can never result in the discharge of a gun for it is not only impossible to ignite a cap among the caps in loading, but if it were to cause fire to more charges than the one loaded.

By observing the movements when the gun is fired, it can be seen that the instant you cock the hammer the receiver containing the charges cocked. At the time the hammer is drawn back a quarter of a turn, the chambers will be so far turned that the hammer will slip forward, it could not strike the cap. If the second cap is not brought opposite the hammer, the hammer drawn back at least an eighth of an inch, there can be no mistake in the trigger mechanism.

It will be observed that the locks are constructed that the arms cannot be loaded until the receiver is cocked. Therefore, they must be perfectly safe during the most careless use. They cannot be discharged until the receiver is cocked. The receiver is cocked directly in a line with the barrel.

The common musket, ship-pistol, and all other arms, will not be discharged when the chambers are cocked.

The above experiments and facts prove that the repeating-arm is not only safer, when in the act of loading, than the common arm in Government service, but are at all times safer than the common arm. Hall's rifle with its single chamber.

To prove their capability to stand exposure.—Place all the various Government arms in a tank of water for a given time. When they are taken out, all the Government guns will all be useless. But the repeating-arms will shoot as well as before they were put there at all.

These experiments will effectually

arms over all others in storms of rain, in boat-service, where they are exposed to the spray of the sea, or in loading on the beach in a surf. Indeed, they would remain proof for hours under circumstances where the common musket, the common ship-pistol, or Hall's rifle, would fail in a few minutes.

to prove the force.—Use the same quantity of powder in my repeating-arms as in the Government arms, and discharge them all, at the same distance, into cartridge-paper or some other substance equally even in its surface.

It will be found that all the arms loading at the breech will throw the balls with much greater force than those loading at the muzzle, and it will be found that my repeating-arms will throw their balls with much greater force than Hall's rifle, though Hall's rifle also loads at the breech. The reason for the difference is the peculiar construction and location of the percussion-tube (which causes the simultaneous ignition of a much larger quantity of the powder in the chamber than is ignited under any other circumstances), and the entire absence of windage, from the firmness with which my balls are forced into the chambers. In Hall's rifle the balls are of the common construction; they are located in the top in front of the end of the charge, and the charge lying loose in the chamber, there is much windage before the ball goes into the barrel. These experiments will show that my repeating-arms will produce greater force than others now in service.

to prove the accuracy.—Fire at a target, at any given distance, with the different arms, and it will be proved that arms loading at the breech will fire more accurately than arms loading at the muzzle, in consequence of the barrels being made with less windage.

to prove the celerity of fire.—All the various guns being loaded, cock and fire all the charges in each of my repeating-arms, and count the number of seconds employed in making the full discharge of each; count the number of seconds required to cock and discharge all the various Government arms. These experiments will show the advantages to be derived from the use of a repeating-gun at the commencement of an action.

to prove the celerity of loading and firing after the first discharge.—Load and fire my repeating-musket, ship-pistol, and rifle, in rapid succession for a limited number of times; load and fire the common musket, pistol, and Hall's rifle, in rapid succession for a limited number of times. These experiments will prove the relative number of balls that can be thrown from the various kinds of arms after they have been once loaded, and it will be proved that my repeating guns can be loaded and fired, either by the whole volley or one charge at a time, with greater celerity than either of the Government guns now in use.

With great respect, I have the honor to be, gentlemen, your very obedient servant,

SAMUEL COLT.

to the PRESIDENT and GENTLEMEN composing the board for testing repeating firearms.

The undersigned would not, however, wish to be understood as condemning altogether the use of these arms on board of ship; on the contrary, they are decidedly of opinion that every vessel of war should be supplied with a sufficient number of these rifles and pistols for arming expeditions, where the perfect security of their charge from injury by sprays of the sea or surf of the beach, and the facility with which they may be loaded, or their receivers shifted, when their possessor is lying down in the bottom of his boat, would always, in the opinion of the undersigned, give them an *incalculable advantage* over others now used in the service.

In the course of the experiments made on this occasion, the great superiority of the percussion over the flint lock was clearly demonstrated;

the undersigned cannot close these remarks without expressing their regret that all the small-arms for the naval service are not fitted with the percussion lock.

Respectfully submitted.

C. S. McCAULEY, *Captain U. S. Navy,*
J. H. AULICK, *Captain U. S. Navy,*
L. TWIGGS, *Captain U. S. M. Corps.*

To the BOARD OF NAVY COMMISSIONERS, *Washington.*

WASHINGTON

SIR: I hasten to thank you for the punctuality with which you have acknowledged the receipt of my note of the 8th instant, and for the report made by the board of navy officers appointed to examine the exhibition of my improved repeating firearms. I take this opportunity to make a few remarks on the subject of the question.

My letter of the 1st instant, addressed to the board, I considered to be the most important advantages to be derived from the use of my repeating arms in the navy service, and have, in the same letter, tests to prove the same to the fullest extent. I have myself to the statement of a few additional proofs of the utility of the arms, and make a few remarks relating to the report just received, meaning by so doing to find the least fault with any of the statements. The honorable gentlemen appointed to witness my experiments have not the slightest doubt but that their report was correct, and in belief that they were giving my invention its full due, they have shown that, however just they may have intended to be in their particulars, I think their report would lead persons not acquainted with the arms to a wrong conclusion concerning the real liability of the arms to get out of order.

The arms submitted in 1837 to the examination of the board were pointed out by the Secretary of War as the first arms of the principle, and were got up in a great hurry, under the greatest disadvantage (the principle of the invention being almost entirely new and not considered at that time); consequently, the arms were easily got out of order. Since that time, more than ten

as common arms; though on what grounds it is not stated. Surely it not be that they are more complicated than common arms, for they have as many pieces in their locks, or whole construction, as those composing a Government musket. And all the pieces are quite as strong, for the work they have to do, as any other arms. The pieces composing the locks even more simple in their forms than those of Government musket-locks. The *springs*, for instance, in my repeating arms, are all straight slabs of iron steel; but, in the Government musket, all the springs are crooked and brittle, making them not only more difficult to manufacture and temper, when complete, just double as likely to break in using. The objection of breaking a part of a lock of a repeating arm would not be a very serious matter after all, even was it as likely to break as the common musket-locks, for the practice in our service of carrying extra pieces of locks to supply the places of those most likely to break could be applied as well to a repeating arm as to a musket. The work my repeating arm is capable of performing very naturally leads persons unacquainted with its construction to suppose it contains a greater number of parts than the common arm; but this is a very great mistake.

It being clearly shown, and admitted, in the late report, that my arms can be loaded and fired with greater celerity than any other arms now in use, and have the advantage of commencing an action with eight discharges before being compelled to load and fire in the common way; that, when exposed, the charges are impervious to water, though the arms are immersed under it for a greater length of time than would ever be required in crossing a river or landing in the surf; and that they are perfectly safe in the hands of the most careless; what, then, is the objection to their *general introduction*? Is it that they are still susceptible of improvement? If so, the objection may keep them out of Government use for centuries; for there has any piece of machinery (not even the musket) yet passed the limit of improvement. Or is it that they perform too much work? Surely I can fire them as slowly as the common gun, and therefore I see no reason why, in all cases, they are not quite as good as the arms of ordinary construction, and in many vastly superior.

There is a great difference of opinion among highly practical and scientific officers on the subject of the introduction of my arms into the general service of Government. Some are violently opposed to them in every particular. Others cannot bestow on them too much praise. But those that prize them most, are those who have used them most. Now, the question is, Who can best judge of their merits? He that has only seen and shot at with their holyday finish, or he who has used them in a hard service, where both fortune and life are at stake? Surely, I think, the latter. I, with the hope of bringing all to the same conclusion, I have enclosed a report of a board of officers of the 2d dragoons (which was made some time when my arms were much inferior to those of my present construction); on the truth of which report, the *good name* of the officers is at stake, and on the success of the actual service of my arms their *lives* depend. For it was these same officers who were to use them in actual warfare.

In their favorable report, a few were adopted into the service. What was the result? The accompanying letter from the lieutenant colonel of the regiment using them, written more than a year afterward, will give a proof of their success; and, again, another letter, bearing a still later date, from the sergeant who had charge of the men using these rifles (and

whose bravery has since been rewarded by a second lieutenant's commission), will give additional proof of the real advantages which may result when my improved arms are once introduced into the general Government.

I sincerely hope that no time may be lost in ordering a sufficient quantity of my rifles and pistols, to be applied to the particular service for which they have been so highly recommended by the board who received and examined them. And, after they once have this small foothold, I am confident that all the old prejudices which can be brought to bear on them will eventually give way, and they will find their own way to universal favor, for both navy and army service.

Young officers who have still a reputation to gain will soon prefer staking their fortunes on an arm, that, under any circumstances, will be in any degree inferior to the best of common construction, and which, in "boat expeditions, possess *incalculable advantages* over the old arms in use in the service."

I have the honor to be, very respectfully, your most obedient servant,
SAMUEL

HON. JAMES K. PAULDING,
Secretary of the Navy.

FORT JUPITER, E. F., *March 1st*

SIR: I have the honor herewith to enclose the report of the officers of the 2d regiment of dragoons on Mr. Colt's new many-chambered rifles.

The officers who compose this board are gentlemen who are well acquainted with firearms, and two of them (Captains Fulton and ... are first-rate marksmen. The report is, therefore, entitled to the most favorable consideration. I must beg leave here to state that I (a Tennesseean) have been all my life accustomed to the use of arms, and after a full examination of Mr. Colt's gun, I feel pleasure in stating that I concur fully in opinion with the board; and I do assure you that if I had to choose between the two, I would use none other than I would use any other rifle myself, I would use none. This recognition does the greatest honor to the inventor, and to the country. I am confident that, in a few years' time, no other rifle will be used in this country.

I have the honor to be, very respectfully, your obedient servant,
W. S. HARNEY
Lieut. Col. 2d Dragoon Regt.

Major General JESUP,
Commanding U. S. Army in Florida.

[Special order No. 1.]

BRIGADE HEADQUARTERS
Fort Jupiter, E. F., March 1st

At the request of Lieutenant Colonel Harney, commanding the dragoons, a board, to consist of Captains W. W. Tompkins, William

and J. Graham, will convene at this post this day, for the purpose of examining and reporting on the many-chambered rifle, invented by Mr.

By order of Colonel D. E. Twiggs :

N. DARLING,
Lieut. and Secretary 2d Dragoons.

The board met pursuant to the above order, and report the following experiments and facts as the result of their examination of the many-chambered rifle, invented by Mr. Colt.

Experiment first.—As regards force.

The rifle was fired one hundred yards' distance at a target, made of a hard pitch-pine tree, and struck about three inches from the centre, penetrating about two inches. Two of the six balls fired struck the target. The distance was then increased to two hundred yards. One of the six balls struck the target, and penetrated as far as those fired from the first distance. The distance was then increased to three hundred yards, when, on account of the smallness of the target, it could not be distinctly seen, and was not hit; but, by comparing the distance the balls passed over the water (a large sheet of which was in the rear of the target), the board are unanimously of opinion that the balls passed at least three hundred yards beyond the target, making a distance of fully six hundred yards the balls were thrown.

Experiment second.—As regards accuracy.

The rifle was fired by different members of the board, some of whom hit the target within a quarter of an inch, others two inches and a quarter from the centre, producing the belief in the minds of the board that instruments of this construction shoot as accurately as any other firearms whatever. With this fact probably acting in their favor—the balls being forced into the chambers by a lever, there is very little or no "windage," and, consequently, the direction of the ball will be more certain: the striking of the target depending solely upon the correct aim of the individual pulling the trigger. As regards accuracy, the board believe the specimen shown in their experiments as perfect as possible.

Experiment third.—As regards penetration.

The rifle was fired at several thicknesses of seasoned Florida pitch-pine plank, at a distance of thirty feet, and was found, by measurement, to have penetrated to the depth of three inches; and, compared with a Government carbine, fired at the same distance and at the same target, with a standard shot cartridge, it was found that the balls of the rifle penetrated one inch farther into the target than the balls from the carbine. On repeating the experiment, and cutting the buckshot from the cartridge of the carbine, and firing only the single ball with a full charge of powder, the result was unaltered. The board, therefore, are unanimously con-

great as could be desired, and even greater than in-
quire.

Experiment fifth.—As regards exposure to

The rifle repeater was loaded and placed under water and then fired without difficulty, which convinces the instrument is more secure from weather than any known. The percussion caps fit the tubes, the balls being forced by a lever, there is no chance for the water to get to the charges. It seems impossible for the charges to get wet from any

Experiment sixth.—As regards safety of

Sundry experiments were tried, such as sprinkling the balls, among the percussion caps after the receipt by firing the rifle when in that condition, it was found the force of the discharge blew away most of the powder, what remained was so protected that the flame from the discharge did not reach it. The instrument, in the opinion of the board, is perfectly safe, even in the hands of the most careless soldier.

The board having tested Mr. Colt's rifle in every respect to their minds, taking into consideration the simplicity of its construction (which, on examination, is found to be eminently so), its simplicity to get out of order than any other firearm, and, from its lock, not likely to be accidentally discharged), and not recommend it for universal use in the hands of untrained men. In the light, handsome manner it is at present, we believe that a considerable number of men in each company collected, into whose hands this rifle might be safely placed.

construction of the "sights," which, however, being mostly a matter of taste with the manufacturer, they deem of minor importance. The report which is respectfully submitted.

WM. W. TOMPKINS,
Captain 2d Dragoons.

WM. W. FULTON,
Captain 2d Dragoons.

JOHN GRAHAM,
Captain 2d Dragoons.

Having been present when most of the experiments above reported were made, and fired the gun ourselves, we fully concur with the board of officers.

D. E. TWIGGS,
Colonel Dragoons.

W. S. HARNEY,
Lieutenant Colonel 2d Dragoons.

WASHINGTON CITY, *February 6, 1839.*

SIR: In answer to the many inquiries which you make of me regarding the rifles of your invention, which I have had in my possession for twelve or fifteen months, I have the pleasure to state that they have exceeded my expectations (which were great) in every particular. They have done much hard service in Florida; and, with the exception of two of them, they are all in good order. Those two are by no means irre-

parable to my honest opinion that no other guns than those of your invention will be used in a few years.

Very respectfully, your obedient servant,

WM. S. HARNEY,
Lieut. Col. 2d Dragoons.

EL COLT, Esq.

WASHINGTON, *February 22, 1840.*

SIR: In reply to your favor of the 10th ultimo, I have the pleasure to state, that I, being the first sergeant of the detachment of the second regiment, in Florida, which was armed with your repeating rifles, had the important task of drilling them in their use and manual. And although the arms were of an extremely light and fancy make, yet they proved to be durable; and there was not a man in the whole detachment who did not feel himself of five times the force with one of your rifles than with the common carbine or musket. And so eager were they to get each one of your rifles, and so great was the desire to be attached to this select corps, that to receive one of your patent arms was the wish of every good and brave soldier. I superintended the trial of the rifles after they were purchased from you for our use, and in every particular found them to be highly efficient.

I tested, in every manner that occurred to my
your repeating rifles, viz : 1st. I marched out the
purpose of target-firing ; and, in firing at a thick
yards distant, every ball penetrated about two in
firearms of this construction shoot as strong as a
part of the balls hit the target within two inches of
ing the accuracy with which they throw the ball :
two receivers, they were placed in the rifles and dis
thus proving that, as it regards celerity and rapid
greater than most occasions in Indian warfare requ
men to load, and, after holding their pieces for sever
to discharge them ; which, being done without dis
instrument is more secure from weather than any
with many other experiments, were made ; and
in the hands of the most careless soldier, the instru

Upon these experiments, sir, I did not alone be
but, after a long and well-tryed use of the rifles, th
and privation in the damp swamps and morasses c
to retain their lustre, and, on all emergencies, prov

I doubt not, sir, but that the time is close at han
nable and useful patent rifle will be in almost
is more requisite, in Indian warfare, than the us
hope that you will, by your enterprise, afford many
in Florida. Your rifle must and will shortly su
musket now used in the army ; and, when that
sidered that the efficiency of the army is increased i

I have the honor to be, sir, your ob

S. COLT, Esq.

out the need of argument, the total inefficiency of present military action. Whether the means be inadequate, whether those means judiciously applied, or whether the country and the enemy connected, no means would be available, it is a mournful truth, that for more than four years past, and even now, at this moment, no man in Florida is safe in his own house. The rifle, and the musket, and the walls of his buildings, form the only obstacle to the butchery of his family.

There are many instances, in the history of this disgraceful war, of successful defence of private dwellings. These are cases where many have been saved by having several loaded firearms in the house, and the husband had a quick eye, and a steady hand, and a loaded gun; when the wife had the nerve of a man, and loaded one gun, while the husband fired another.

The means of the people seldom enable them to possess more than one

That one is fired on the approach of the midnight foe; perhaps a bullet had its billet; but the means of defence are exhausted with the

The enemy has drawn the fire, and well knows that he may now come on in safety, and the house is stormed, and the females scalped with the horrors of savage cruelty. It is to prevent this that we would have a repeating rifle. One cylinder holds ten shots; another is attached to the piece with as many more, which may be shifted in a twinkling, and in the face of death; thus giving to a man besieged in his house twenty shots; superior to twenty ordinary rifles, as there is no need to hold the piece in the hand; superior to ten men, for more loads may be changed in the same space of time by one man, armed as I propose, as by ten men in the ordinary way. Besides, there is no confusion, in shooting the ten bullets into one Indian, no panic. In a word, from my full and experienced knowledge of these arms, I unhesitatingly declare my opinion, that any man of nerve, of coolness, of determined resolution, in the inside of his house, dependant on his skill and courage, would

Colt's rifle a safer reliance in an Indian midnight attack than ten men, in the same position, with the ordinary gun.

I do not mean to enter here into a discussion of the comparative value of Colt's gun for the general purposes of war. It is said to be too complicated. I am told it contains a less number of parts by one-third than Hall's rifle or the Government musket, and that it is lighter by two pounds than the last. Texas, too, surrounded by enemies on all sides, and with but a few soldiers to call to her defence, has judiciously sought to multiply her means, by placing in the hands of her soldiery the most efficient weapon, so as to equalize her army to her enemy—not by men, which she has not, but by the arms they carry. Economy and necessity have made Texas vigilant, to choose the most efficient arms, and she has chosen Colt's. Hundreds of these arms have been bought for the Texan service. Now, sir, I will not say to you that the United States are bound to defend the people of Florida—their lives, and their property. I need not say that they have done neither. Whether it be ignorance or guilt; whether it be the fault of the Secretary, or the army, or the country, or the nature of the foe, I will not pretend to say. But so it is, that after more than four years of war, a standing army of ten thousand men, an expenditure of money untold, Florida is more desolate and destitute of defence than on the first month of its outbreak; the life of the citizen

more insecure now than then ; more unsafe in the interior than frontier settlements in the beginning. You have seen the horrors committed by that enemy ; the burning of houses, the scalping families, paraded through the daily press. The Secretary and cannot or will not protect us. We beg that you will enable us ourselves. The only objection that will be made is to the rifles, at from \$40 to \$45 each, will be a little more than \$20 will be enough. And will you weigh money against life, against disgrace? Twenty millions have been already expended in measures—measures without any other result than to prove the guilt of him who planned them ; proved by the continuance of the war, our great loss of territory, of property, of life ; proved by our position, more degraded, more helpless, more hopeless of success, than from a close, than ever.

I beg leave to refer you to the papers which accompany this communication.

I am, sir, respectfully, your obedient servant,

C. DOW

Gen. WADDY THOMPSON,
House of Representatives.

MEMORIAL

OF

**THE PRESIDENT AND TRUSTEES OF THE TOWN OF
GREEN BAY, WISCONSIN TERRITORY.**

PRAYING

*for confirmation by Congress of the act of the Legislative Assembly of
Wisconsin, incorporating said town.*

JUNE 1, 1840.

Referred to the Committee on the Judiciary, and ordered to be printed.

*The Honorable the Senate and House of Representatives of the United
States of America, in Congress assembled :*

The president and trustees of the town of Green Bay, having observed, by resolution lately introduced in the House of Representatives, by the Chairman of the Committee on Territories, that, among other laws recited, it is contemplated to disapprove of the several acts passed by the Legislative Assembly of the Territory, in relation to this borough, beg leave most respectfully to present such a statement of facts, in the premises, as may enable Congress, in whatever course it may be deemed advisable to pursue upon the subject, to act understandingly, and in such a manner as not, without any corresponding good, seriously to interfere with and prejudice the rights and interests of the people concerned.

During a session of the Legislative Assembly of Wisconsin, held at Burlington, in the winter of 1837-'8, an act was passed, in accordance with a petition of the citizens of Green Bay, incorporating their town. Under this act, in the spring of 1838, the people, as authorized, elected their trustees and other officers, who proceeded in the exercise of the powers vested in them, and to the performance of duties such as are usually incident to such corporations, in the levying and collecting of taxes, the making of improvements, &c., rendered necessary or proper by the peculiar situation or circumstances of the town. The provisions of this law having been found by a former experience to be in many instances very defective, at the following session of the Legislature, a second act was passed, differing materially in some of its provisions from the first; which, however, before it went into operation, was submitted to the people, who were authorized to decide, by ballot, whether their first act should be retained, the second adopted, or whether the first should be rejected. It was decided by a respectable majority, to accept the second act; and under its provisions borough officers were a second time elected, and many acts done and performed, which, in their corporate

capacity these officers were authorized and required to do. Taxes levied and collected, improvements made, debts contracted, &c., &c. Still, a little dissatisfaction, however, still existing in relation to the act of incorporation, a petition was presented to the territorial Legislature, at its succeeding session, in the winter of 1839-'40, praying that the law might be repealed; not, however, without such provisions as would enable the town to liquidate its debts, and transact other business necessary and proper, in order to secure the rights and interests of individuals, previous to a dissolution of the corporation. A law was passed, again submitting the question to the people, whether they would retain the act of incorporation then existing, or reject it, and making provision, in case the latter course were adopted, for a satisfactory adjustment of the liabilities of the borough and the collection of its dues. The people again decided, by ballot, to retain their act of incorporation, and a third time elected their officers, who are now in the performance of their duties.

In addition to this statement of the circumstances connected with the passage and operation of the laws of the territorial Legislature referred to, your memorialists would respectfully suggest that their disapproval, from and the time of their passage, could not but be productive of serious confusion and injury to individual rights and interests, as all the acts which have been done under them, would of course be invalidated. It is unnecessary to enter into particulars. Each member of your honorable body must be aware, that a borough corporation, in active existence upward of two years, would necessarily perform many acts, which, to render invalid, would create serious evil. Every thing which has been done, has been performed in good faith and under the belief that the act of incorporation was in full force and effect, without being particularly submitted to Congress, or receiving positive action at the hands of that body.

If it is thought advisable by your honorable body to take especial notice of, or disapprove, the act of incorporation of the town, which the people, by their votes have repeatedly decided to retain, it is respectfully submitted, whether justice and equity would not require that some provision should be made, whereby the borough would be enabled to proceed in the collection of its dues, and to the liquidation of its debts. The debts of the town, contracted for the making of improvements, &c., now amount to some hundred dollars. If, however, the outstanding taxes are authorized to be collected, its liabilities may be redeemed; and your memorialists, therefore, hope that some proper provision in the premises may be made.

DANIEL WHITNEY, *President*
 PETER WHITE,
 EDWIN HART,
 HENRY O. SHOLES,
 DANIEL BUTLER, } *Trustees*

Attest : JOHN LAST, *Clerk*.

DOCUMENTS

SHOWING

**THE QUANTITY AND VALUE OF THE IMPORTS AND
EXPORTS OF SUGAR,**

DURING

The year ending September 30, 1839.

JUNE 1, 1840.

Submitted by Mr. NICHOLAS, and ordered to be printed.

TREASURY DEPARTMENT, *May 26, 1840.*

In compliance with the request contained in your letter of the 18th I have the honor to transmit to you the following statements, prepared by the Register of the Treasury, viz :

Statement exhibiting the quantity and value of sugar imported into the United States during the year ending September 30, 1839 ;

Statement exhibiting the quantity and value of sugar imported into the United States during the same period (showing the countries whence imported); and

Statement exhibiting the quantity and value of domestic refined sugar imported during the same period.

I am, very respectfully, your obedient servant,

**LEVI WOODBURY,
*Secretary of the Treasury.***

**ROBERT CARTER NICHOLAS,
*Senate of the United States.***

Printed by G. W. Bates, printers.

No. 2.
A statement exhibiting the quantity and value of sugar imported into the United States during the year ending Sept. 30, 1839.

IMPORTED FROM	Brown sugar.		White sugar, clayed, &c.		Loaf sugar.		Candy.		Other refined.	
	Pounds.	Value.	Pounds.	Value.	Pounds.	Value.	Pounds.	Value.	Pounds.	Value.
Swedish West Indies -	128,138	\$5,556								
Danish West Indies -	18,588,403	1,039,160								
Dutch West Indies -	1,333,979	53,773	5,117	\$328						
Dutch Guiana -	5,324	180								
Dutch East Indies -	5,110,104	912,986								
Hanse towns, &c. -	107,991	4,909								
England -		50	959	20						
British East Indies -	1,939,157	89,021	100	6						
British West Indies -	170,928	9,156								
British American Colonies -	1,103,179	58,436	3,750	297	306	\$44	-	189	916	
Cape of Good Hope -	140,761	7,192								
French Atlantic ports -	71,506	3,492	50	11						
French West Indies -	3,708,463	144,409	496	40						
Cuba -	70,986,903	3,639,961	19,677,591	967,174	10	9	180	\$20	66,667	5,010
Porto Rico -	60,103,732	2,779,982								
Manilla, &c. -	8,733,700	394,569	9,340	140						
Havre -	4,506	252								
Texas -	348	18								
Mexico -	400	24								
Central Republic, (Guatemala) -	89,928	4,479								
New Grenada -	23,183	1,384								
Venezuela -	1,004,459	52,188	163	15						
Brazil -	9,848,728	555,186	293	26						
Pere -	6,966	252								
China -	198	29								
South Seas -	6,970	380								
Uncertain places -	92,491	1,194	787	81	-	-	490	28		

[505]

TREASURY DEPARTMENT, Register's Office, May 26, 1840.

T. L. SMITH, Register.

3. To receive East India and other foreign sugar, we ucts, and by exporting refined sugars we get pay for o beside two freights equal $2\frac{1}{2}$ cents per pound on the nearly twice the drawback on the quantity of refined i

4. At five cents drawback and two cents duty, it is facture purposely for export, at a profit ; but in season finer exports his surplus at a small loss, rather than fo market, and thereby reduce the price of his entire pro

5. Sugars used by refiners cannot generally be us viz : East India, Manilla, Java, Brazil, &c. ; yet these k pay the same duties as the best brown sugars.

6. The subject was presented to Congress when ti and the present drawback was made part and parcel of of that new refineries have been erected, which woul case, had the refiners not supposed their surplus could of necessity, with but a small loss.

7. It is not true, as has been stated, that before th the refiners exported at a profit ; at the present duty it even when raw sugars are at their lowest prices, and t avail himself of this trade for surplus manufacture, as

8. A sugar refinery differs from many other manufa that it is impossible to decrease the expenses by dimi manufactured ; and, consequently, when, from distres the quantity consumed is lessened, the refiner has no r port, to run off his surplus. The expenses of our l about \$200,000 per annum each, which amount is hands' wages, &c.

The first cost of such an establishment is very large the employment given, consumption of coals, &c., &c.,
Gaid to the committee at home

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

MEMORIAL

OF THE

BOARD OF TRADE OF THE CITY OF NEW YORK,

PRAYING

the amendment of the bill (S. 324) "to establish a uniform system of bankruptcy throughout the United States."

JUNE 1, 1840.

Laid on the table, and ordered to be printed.

the honorable the Senate of the United States of America in Congress assembled :

The memorial of the Board of Trade of the city of New York,

SPECTFULLY REPRESENTS :

That we feel much solicitude respecting the present discussion in your honorable body in relation to a bankrupt law, because such a measure will be either eminently useful or deeply injurious, both to our internal prosperity and our foreign credit, according to the provisions which it may contain. While it ought to give equal protection to honest insolvents, and their unfortunate creditors, the general sympathy at present leans chiefly to the former, which must bias the judgment in their favor, to the exclusion and even the prejudice of the latter class, whose talent and energy have sustained them amid the surrounding wreck; and who, we, in innumerable instances, been the victims of fraudulent debtors, who revelled in the fruits of their industry, and set them at defiance.

We do not propose in this memorial, to analyze the two theories now under your consideration, but only to make a few suggestions on points which do not appear in either of the bills, but which we consider of vital importance, and which we are anxious to have embodied in the act, so as to apply at least to all future contracts.

1st. The release of the bankrupt is not made to depend, in any degree, on the concurrence of his creditors, but solely on the opinion of a single judge. This is a fatal error, to which we cannot too strongly call your attention, as it will nullify the rest of the bill, however skilfully it may be constructed. The assent of one-half of the creditors in number and amount ought to be essential. It is not enough that they are permitted to oppose the granting of releases, because the trouble and expense of doing so (especially when, as is often the case, they reside at a distance) would, in a great majority of cases, deter them from interfering, even when there was manifest fraud; and the judge, however faithful to his duty,

W. & Rives, printers.

such a release as we now propose.

This provision is also indispensable to the future bankrupt himself; it is proverbial, that a discharge under our present laws always leaves a stain on the insolvent, because he and his family are not parties to it; and because it is obtained by every man, it produces precisely the same effect would be produced by the present law. The bankrupt would receive no new credit; it would merely protect his person; his name would be new credit would be peculiarly difficult, and honest merchants would dread to take advantage of such a law.

2d. We would also suggest, that when a merchant is unable to keep an account, or when his books are so imperfect, that the means of making up a statement of his affairs, he is prevented from obtaining a release.

3d. We would also suggest, that no debts ought to be deposited in trust-funds, which the bankrupt has diverted to his own use; but this would give room for fraud and would lessen that caution which ought to be observed by proper persons for such deposits.

4th. We would also suggest, that State legislation on this subject, in any degree, to traverse the provisions of a bankrupt law, is prohibited by the Constitution of the United States expressly reserves to Congress the power to pass a uniform law; and because such interference, and probably would, make a different bankrupt law in each State.

5th. We would lastly suggest, the expediency of postponing the operation of this law till the 1st day of next January, to give time to prepare for such a radical change.

Respectfully,
JOHN W. LEAVITT

IN SENATE OF THE UNITED STATES.

JUNE 1, 1840.

Submitted, and ordered to be printed.

Mr. WHITE made the following

REPORT:

[To accompany bill H. R. No. 118.]

Committee on Pensions, to whom was referred an engrossed bill from House of Representatives entitled "An act granting a pension to John Genter, of Pennsylvania," report :

the petitioner was a soldier in the French army in the Revolutionary and does not come within the provisions of existing laws. The committee entertain the opinion that no relief should be granted in such a case, unless by a general law, including all similar cases which may be equally worthy. And they have frequently during this session expressed opinion against the extension of the pension laws. Besides, the evidence is not sufficient to warrant the favorable action of the committee. The committee recommend an indefinite postponement of the bill.

& Rives, printers.



IN SENATE OF THE UNITED STATES.

JUNE 1, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT:

[To accompany bill S. No. 362.]

Committee on Pensions, to whom was referred the petition of Margaret Jamison, widow of Samuel Jamison, deceased, report :

claim was rejected at the department, for reasons set forth in the report of the Commissioner of Pensions, dated April 14, 1840. He says: "The difficulties of its adjustment arise from the imperfect statement of the features of each term in each grade, which the declaration and affidavit required, and the failure to produce the family register, which has been required of the claimant. It is a matter of peculiar importance to fix the date of her marriage to determine whether her claim should be allowed under the act of 4th July, 1836, or 7th July, 1838. It is believed that she is entitled to a pension; but the department is not able, from the facts presented, to fix the amount without establishing an unsafe rule for the determination of a ratable stipend."

It is correctly stated, that there is some doubt as to the duration of service. The committee are satisfied, from the evidence, that the husband served four months as a sergeant and two months as a lieutenant, and that his marriage was solemnized prior to the expiration of the last period of

report a bill for six months' service.

Witness my hand, printers.



IN SENATE OF THE UNITED STATES.

JUNE 3, 1840.

Submitted, and ordered to be printed.

Mr. CLAY, of Alabama, made the following

REPORT :

Committee on the Militia, to whom was referred so much of the report of the Secretary of War, as relates to the reorganization and discipline of the militia, submit the following report :

That, duly appreciating the importance of the subject, and fully concurring in the opinion that "a well-regulated militia" is "necessary to the security of a free state," they have thought proper to examine it, in reference to the powers of Congress, the various plans which have been proposed, and such measures as have been matured, at different periods, since adoption of the Constitution. From the earliest period of our history it seems to have been a general concurrence in the opinion, that a well-organized militia is not only the most economical, but the most safe and able means of national defence. Indeed, when we take into view that Government originated in the spontaneous will of the people; that it was organized, and its fundamental law constructed by them; that, recognizing man's capacity for self-government, and the leading principle that a majority shall govern, all are alike interested in its preservation, the conclusion follows necessarily, that the national defence must be most secure in the hands of a citizen-soldiery. The experience of former ages had shown danger to liberty, from large standing armies, as well as the expense of maintaining them; and our own experience, during the war of the Revolution, had proven that freemen, almost without organization, and without discipline, were invincible, when battling in defence of their rights, and for the safety of their own families and firesides. Hence, the Constitution, relying on the militia as the best safeguard against all enemies, domestic and foreign, expressly delegates to Congress the power to provide for calling them forth, "to execute the laws of the Union, suppress insurrections, and repel invasions." And the past history of our country fully justifies the confidence in the militia, indicated by this grant of power; for, up to the present moment, they have never been called upon, on any occasion, when their country was in danger, or needed their services, in any cause, that they have not rallied to her standard with the most prompt alacrity, and evinced the most ardent patriotism, and determined courage.

To render this arm of the national defence more efficient, the Constitution delegates to Congress further power, in the following words :

• & Rives, printers.

the views of the Executive and the legislation of Congress. The former, they present the following extracts from the report of the Secretary of War, which has just been referred to :

THE PLAN OF GENERAL KNOX.

"The period of life, in which military service shall be required of citizens of the United States, to commence at eighteen years of age, and to terminate at the age of sixty years. The men comprehended by this plan shall be subject to such exceptions as the Legislatures of the several States may think proper to make, *and all actual mariners*, shall be subject to different degrees of military duty, and divided into three distinct classes.

"The first class shall comprehend the youth of eighteen to twenty years of age, to be denominated the *advanced corps*. The second class shall include the men from twenty-one to forty-five years of age, to be denominated the *main corps*. The third class shall include, successively, the men from forty-six to sixty years of age, to be denominated the *reserved corps*.

"All the militia of the United States shall assume the form of a militia, which shall be the permanent establishment thereof.

"A legion shall consist of one hundred and fifty thousand men, including officers, and two thousand eight hundred and eighty officers and privates, formed in the following manner :

"*Of the advanced corps.*—The youth of *eighteen* to *twenty* years of age shall be disciplined for *thirty* days successively in each year. The youth of *twenty* to *thirty* years shall be disciplined only for ten days in each year. The last ten days shall be the last ten days of the annual encampments.

"The non-commissioned officers and privates are not to be present during the said time, but the commissioned officers will be present in their relative ranks, agreeably to the federal establishment.

The *main corps* is instituted to preserve and circulate throughout the community the military discipline acquired in the advanced corps ; to arm people, and fix firmly, by practice and habit, those forms and maxims, which are essential to the life and energy of a free Government.

The *reserved corps* is instituted to prevent men being sent to the field whose strength is unequal to sustain the severities of an active campaign.

By organizing and rendering them eligible for domestic service, a larger proportion of the younger and robust part of the community may be enabled, in case of necessity, to encounter the more urgent duties of

which were the views entertained, and the plan of organization and discipline of the militia, proposed by that distinguished veteran and patriot, General Knox, who had periled "life, fortune, and sacred honor," during Revolutionary struggle, and contributed his full share in the achievement of our liberty and independence. That his plan received the approval of the father of his country, then President of the United States, is fully manifested by the official documents. In resubmitting his plan to President, to be laid before Congress, General Knox expressed himself in the following language :

Having submitted to your consideration a plan for the arrangement of militia of the United States, which I had presented to the late Congress, *you having approved the general principles thereof, with certain exceptions, I now respectfully lay the same before you, modified according to the alterations you were pleased to suggest.*" General Washington, having subsequently "directed him to lay the plan before Congress," accompanied by the Secretary's declaration, that he had "approved the general principles thereof, with certain exceptions," which had been obviated by the alterations" which he had been "pleased to suggest," substantially adopted it as his own.

There does not appear, however, to have been any law passed for the organization and discipline of the militia, until the act entitled "An act to effectually to provide for the national defence, by establishing an uniform militia throughout the United States," approved May 8, 1792, which, no doubt, an emanation from the views communicated to Congress by General Knox, as already noticed, though it did not fully carry them out. The act is still upon our statute-book, and not yet repealed ; though it is utterly disregarded in many parts of the Union, that its existence is almost unknown. To show how far it carried the plan of organization, the duties and burdens it imposed upon the citizens, the committee began here to introduce the following sections :

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That each and every free, able-bodied, white, male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years (except as is hereinafter excepted), shall, severally and respectively, be enrolled in the militia by the captain or commanding officer of the company within whose bounds such citizen shall reside, and that within twelve months after the passing of this act : and it shall, at all times after, be the duty of every such captain or commanding officer of a company to enrol every such citizen as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or, being of the age of eighteen years, and under the age of forty-five years (except as before

excepted), shall come to reside within his bounds ; and shall, without notify such citizen of the said enrolment by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified shall, within six months thereafter, provide himself with a good musket, or firelock ; a sufficient bayonet and belt, two spare flints, and a knapsack ; a pouch, with a box therein, to contain not more than twenty-four cartridges suited to the bore of his musket, or firelock, each cartridge to contain a proper quantity of powder and ball ; or, with a good rifle, knapsack, shot-pouch, and powder-horn, twenty balls, suited to the bore of his rifle, and a quarter of a pound of powder : and shall appear so armed, accoutred, and provided, when called out to exercise, or in service, except that, when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally, be armed with a sword or hanger, and esponton. And from and after five years from the passing of this act, all muskets for arming the militia, as herein required, shall be of bores sufficient for ball the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition, and accoutrements, required aforesaid, shall hold the same exempted from all suits, distresses, executions, or sales for debt, or for the payment of taxes.

" SEC. 4. *And be it further enacted,* That, out of the militia enrolled as is herein directed, there shall be formed, for each battalion, at least one company of grenadiers, light infantry, or riflemen ; and that, to each battalion, there shall be at least one company of artillery and one troop of horse. There shall be to each company of artillery one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer. The officers to be armed with a sword or hanger, a bayonet and belt, with a cartridge-box to contain twelve cartridges ; and every private or matross shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. There shall be to each troop of horse one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers to furnish themselves with good horses, of at least sixteen hands and a half high, and to be armed with a sword and pair of pistols, the holsters of which to be covered with bearskin caps ; each drummer to furnish himself with a serviceable horse, at least fourteen hands and a half high, a good saddle, bridle, mail-pillion, and valise, holsters, a breastplate and crupper, a pair of boots and spurs, a pair of pistols, and a cartouch-box to contain twelve cartridges for pistols. That every company of artillery and troop of horse shall be formed of volunteers in the brigade, at the discretion of the commander-in-chief of the State, not exceeding one company of each to a regiment, nor more in number than the one-eleventh part of the infantry, and shall be uniformly clothed in regulation, to be furnished at their own expense ; the color and fashion to be determined by the brigadier commanding the brigade to which they belong.

It will be perceived there are many striking analogies between the plan of General Knox, including the sections of the act of May 8, 1792, as quoted, and that of the present Secretary of War, now under consideration ; and that the plan of the latter is not entirely original, or new. The latter proposed enrolling the militia for different degrees of duty, and dividing them into *three distinct classes*, to be called the "advanced corps," "main corps," and the "reserved corps:" the latter also proposes

of classes—the “first class” to “be denominated the mass of the”—the “second class” to “be denominated the active or moveable”—and a “third class” to “be denominated the reserve or sedentary

in: the “advanced corps” of General Knox corresponds in all respects with the “active or moveable force” of the present Secretary, so far as duties are to be performed. It was proposed by the former that the “advanced corps,” consisting of “the youth of eighteen and twenty years, should be disciplined for *thirty days successively*, in each year; those of twenty years should be disciplined only for ten days in each year, which should be the last ten days of the annual encampment.” The present Secretary proposes that the “active force of the militia” may be called forth at such places within their respective districts, and at such times, not exceeding twice, nor [exceeding] *any* days in the same year (leaving Congress to designate the length of time), “for their instruction, discipline, and improvement in military knowledge.”

Among the principal points of difference in the two plans or *projets*, it was remarked that General Knox proposed *the enrolment of all between the ages of eighteen and sixty years*; while the present Secretary proposes *only those between the ages of twenty and forty five*. Again: under the plan of General Knox, “the *non-commissioned officers* and privates were not to receive any pay during the said time [of their discipline]; but commissioned officers were to receive the pay of their relative ranks, according to the Federal establishment, for the time being.” The present Secretary proposes to give all those called out for discipline, including commissioned officers, musicians, artificers, and privates, “the pay and allowances of the “officers, musicians, artificers, and privates, of the infantry of the United States.” Another point of difference between the law of 1792 and that proposed by the present Secretary is, that, under the former, *every* man between eighteen and forty-five years of age, subject to militia duty, was required to “provide himself with a good musket, or firelock, a sufficient powder horn and belt, two spare flints, and a knapsack, a pouch, with a box or tin, to contain not less than twenty-four cartridges, suited to the bore of the musket or firelock,” &c.; “or with a good rifle,” and corresponding accoutrements. The present Secretary of War proposes for enactment, “that every citizen, duly enrolled in the militia, shall be constantly provided with accoutrements, and ammunition, &c. ;” but, in his letter to the chair of the Committee on the Militia of the House of Representatives, he explains this to mean, so far as regards the “active class,” that *they are to be armed and equipped at the public expense, as well as paid for their ser-*

In the communication alluded to, and doubtless with a view to obviate all constitutional objections, the Secretary speaks of his purpose “to call to the States to place, by law, their contingents at the disposition of the Federal Government, for a period of not more than thirty days of every year, for the purpose of their being trained in conjunction with regular troops, and by veteran officers.” Contemplating the necessity of this assent, he adds: “It is not probable that this co operation will be withheld by any State, when the advantages are presented to it of possessing a body of well-disciplined, well-armed, and well disciplined militia, without any expense, to the States or to the citizens thereof, and when they are made aware that *it is the intention of the Government to assemble such militia at convenient points, within each State, and in the vicinity of depots of arms,*—and it is proposed to establish as part of the system.”

pride in being the depository of the power of the trained to a degree of energy equal to every military States. But, it is an inquiry which cannot be too soon the act has organized them so as to produce their full

In his speech of the 19th of November, 1794, the President brought the subject forward; and, among other things, made

"The devising and establishing a well-regulated and a pure source of legislative honor, and a perfect title to

There does not appear to have been any further subject of the organization or discipline of the militia act, in addition to the one already noticed, during Mr. Jefferson, which was approved March 2, 1803. There have been designed to enforce and carry out the provisions. Among other provisions of the act last referred to, it

"Sec. 1. That it shall be the duty of the adjutant general in each State, to make returns of the militia of the several States, with their arms, accoutrements, and ammunition, in pursuance of the directions of the act to which this is an addition, to the President of the United States, annually, on or before the first Monday of January; and it shall be the duty of the Secretary of War to give such directions to the adjutant generals of militia, as may be necessary to produce an uniformity in the returns. The adjutant general shall lay an abstract of the same before Congress on the first Monday of February annually."

The second section of the same act declares: "That every male citizen, who is not disabled by age or infirmity, shall be enrolled in the militia, and shall be constantly provided with arms, accoutrements, and ammunition, agreeably to the direction of the act of May 8, 1792, before recited] from and after the day of his enrolment," &c.

Here was a re-enactment of the injunction upon the citizen to keep himself constantly armed and equipped, at his

abled to speak, they believe, if not wholly inefficient, they have at fallen very short of the results contemplated. As evidence of the fitness of this view of the subject, we find the reorganization and government and discipline of the militia have been, ever since, one of the standing themes of almost every Executive message, of many from the Department of War, and of very frequent discussion in Congress. It was a subject of almost constant solicitude with Mr. Madison throughout his administration. In his message of December 5, 1814, he submitted it to the attention of Congress in the following terms: "These preparations for arming the militia having thus far provided for one of the objects contemplated by the power vested in Congress with respect to that great bulwark of the public safety, it is for their consideration whether further provisions are not requisite for the other contemplated objects of *organization* and *discipline*. To give to this great mass of physical and moral force the efficiency which it merits, and is capable of receiving, it is indispensable that they should be instructed and practised in the rules by which they are to be governed. Toward an accomplishment of this important work, I recommend for the consideration of Congress the expediency of instituting a system which shall, in the first place, *call into the field, at the public expense*, and for a given time, portions of the commissioned and non-commissioned officers."

Ever more than two years' continuance of the late war with Great Britain strengthened in his former opinions by experience, as he no doubt Mr. Madison, in his message of September 20, 1814, again brought the subject before Congress in the following emphatic manner:

"I earnestly renew at this time a recommendation of such changes in the system of the militia, as, by *classing* and *disciplining*, for the most prompt and active service, the portions most capable of it, will give to that resource for the public safety all the requisite energy and efficiency."

Ever the close of the war, in his message of December 5, 1815, Mr. Madison referred to the experience of that eventful period, and again urged

Congress "such a *classification* and *organization* of the militia as will most effectually render it the safeguard of a free State." Indicating his convictions that the existing law required alteration and amendment.

He pressed "the importance of that skill in the use of arms, and familiarity with the essential rules of discipline, which" (he stated) "cannot be expected from the regulations now in force." And, in his last message of December 3, 1816, when just about to retire for ever from duties and responsibilities of office, in that spirit of patriotism which distinguished his long and eventful public life, he made a final and a powerful appeal to the assembled representatives of the nation, in which he firmly recommended a "re-organization of the militia" in the following language:

"As a subject of the highest importance to the national welfare, I must earnestly recommend to the serious consideration of Congress a *re-organization of the militia on a plan which will form it into classes, according to the periods of life, more or less adapted to military services*. An efficient militia is authorized and contemplated by the Constitution, and required by the spirit and safety of a free Government. The present organization of our militia is universally regarded as less efficient than it ought to be made; and no organization can be better calculated to give to it due effect than a classification which will assign the foremost in the defence

of the country to that portion of its citizens, whose position best enable them to rally to its standard."

During the same session, the subject of the reorganization of the militia was agitated in Congress; and on May, 1817, an elaborate report thereon was made by (then a member of the House of Representatives from Ohio) of the committee to whom it had been referred. The measure he proposed in his report was "a system of military education (he said) "should be engrafted on and form a part of the education of our youth." His views upon that subject call for the following extracts from his report:

"As the important advantages of the military part of the youth will accrue to the community, and not to the individual who acquires it, it is proper that the whole expense of the establishment should be borne by the public Treasury.

"That, to comport with the equality which is the principle of the Constitution, the organization of the establishment should be without exception, to every individual of the proper age.

"That, to secure this, the contemplated military instruction should be given in distant schools, established for that purpose, and form a branch of education in every school within the United States.

"That a corps of military institutions should be established, the gymnastic and elementary part of education in the United States, while the more scientific part of the instruction should be communicated by professors of tactics, to be established in higher seminaries."

Preparatory to the execution of this *projet*, its author reported by offering for adoption a resolution, in the following terms:

"*Resolved*, That the Secretary of War be required to report before this House, at the next session of Congress, a plan for the instruction of all the youth of the United States, in a system of education best calculated for the purpose, with as little injury to the ordinary course of education."

What would have been the expense of thus educating the youth of the United States," as proposed, no estimate was attempted or called for; nor is any thing said in the report as to the provision of the Constitution whence the power is derived to do so. The number of youth amounted to one hundred thousand, and the expense of twenty dollars each per annum—which, in the "elementary" schools and "higher seminaries" would have

the whole militia, would be some hundred thousand dollars less than millions." That is, about \$1,900,000 for training them one month the year.

Such was his anxiety to improve this arm of the national defence, that opinion seems to have been entertained by General Harrison, that the power granted by the Constitution as it then existed, and still does, was sufficient for the accomplishment of that object in all respects. Hence, the 28th of February, 1817, about six weeks after his report, justified, he proposed an amendment of the Constitution, greatly extending the powers of Congress over the subject.

It will be borne in mind, that the existing provision of the Constitution expressly reserves "to the States, respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress." The object of the proposed amendment of the Constitution, which will be found appended to this report, was to give Congress, "concurrently with the States," the "*power to provide for training the militia,*" and further declaring, that "*whilst engaged in that service it is, being trained, they shall be subject to the rules and regulations, prescribed for the government of the militia, when in the military service of United States,*" &c.

The effect of this amendment to the Constitution, if it had been adopted, would have been to concede to the authorities of the General Government, whenever it might be deemed expedient to exercise it, the most complete power to train and discipline the militia, in such manner, and for such length of time, as Congress might have directed, or authorized, limited only by their discretion. Conferring on Congress, in general terms, *power concurrently with the States*—and, of course, *to the same extent*—discretionary authority might have been given to the President, or other functionary of the General Government, to have trained the militia, in any number, at any place, at any season, and for any portion of the year. Further, it would have subjected them, expressly, while being trained or disciplined, to the same "rules and regulations prescribed, for the government of the militia, when in the military service of the United States;" in other words, it would have subjected them, in time of peace, and when assembled for the mere purpose of being trained or disciplined, to the rules and articles of war.

The last clause of the amendment proposed, which does not seem to have been considered necessary, when the report above referred to was made, gave to Congress the power "to provide for teaching, in the primary schools, and other seminaries of learning in the several States, the system of discipline prescribed for the militia." To have carried this power into effect, would have been to give a military education, at the expense of the

United States, if deemed expedient, to every male scholar, or student in the several States; as a system of discipline would necessarily include, not only the use of arms, but all the field evolutions required in the army of the United States. Whether public sentiment would have sustained the authorities of the General Government in the exercise of the several powers, thus proposed to be granted to it, may well be questioned; but, such had been the case, with the military education, contemplated for the youth of the country in the first place, followed by training and discipline in the field, for a sufficient length of time, it would have rendered

the mass of our citizens more emphatically soldiers, than those of any other nation in the world.

The author of this amendment seems to have been so well satisfied of its expediency, that he moved it again at the ensuing session of Congress and pressed it upon their attention on the ground, as he stated, that "the Constitution had expressly reserved to the States the right of organizing and disciplining the militia, the adoption of the resolution might be deemed necessary." But his amendment failed to meet sufficient approval to secure its adoption; and, like many other propositions on the subject of the organization and discipline of the militia, is only to be remembered as a part of our legislative history.

Your committee might present many other instances of the continued agitation of this subject, so intimately connected with our national defence, since the proposed amendment of the Constitution which has just been mentioned; but they will confine themselves to the notice of one effort to reform the supposed defects of the existing system. They refer to that made by the Secretary of War in the year 1826; to whom had been assigned, by a resolution of Congress, "the duty of having prepared a system of cavalry tactics and a system of instruction for artillery, and the use of cavalry and artillery of the militia."

To aid him in the performance of that duty, the Honorable James B. Espy, then Secretary of War, thought proper to convene a "board of officers composed of officers of the militia and of the army." In his report to the President of the United States, which was submitted to Congress at the ensuing session, the Secretary remarks:

"The occasion was too favorable to be lost, and was, therefore, seized, of profiting by this collection of talent and experience to reform our present defective militia system, and if possible, by an entire reorganization, to place it on a footing which would realize the expectations and wishes of every patriot in relation to this great arm of national defence." The Secretary further said:

"Important changes in the present system are indispensable, to place the militia any way equal to the standard assigned it by the wishes of every patriot. To the end that every source from which information might be collected should be approached, I addressed a circular letter to the Governor of every State and Territory, and to many citizens distinguished by their intelligence and experience, asking for information upon this interesting subject."

To the interrogatories propounded in this circular many of the distinguished officers and individuals responded minutely and elaborately. The board of officers assembled, took those communications, and the various other matters submitted, into grave consideration; and reported "their views for the enrolment and organization of the militia of the United States, involving many alterations in the system. The whole of this voluminous correspondence, and the report of the board of officers, were submitted to the consideration of Congress: but what was the result? No definitive legislative action took place upon the alterations proposed: the law was permitted to remain as it before existed. Indeed, as often as the subject has been recommended, and urged, in the messages of our several Presidents, Magistrates, and agitated in both Houses of Congress, no law has been passed, materially changing the provisions of those already noticed, during a period of more than thirty-seven years.

ith so many instances of fruitless attempts to change our militia system before them, your committee are not prepared to adopt the plan recommended by the Secretary of War, nor to make any other material change in the organization and discipline of the militia, at present. If it is desirable to cause those who constitute the militia to arm themselves, the acts of 1792 and 1803, passed during the administrations of General Mifflin and Mr. Jefferson, already require them to do so. If they should be trained and disciplined, a system for that purpose has already been prescribed and furnished ; and it only remains for the State Governments, to which the Constitution very properly reserves that authority, to enforce it. But the committee are almost constrained to believe that no system, which can be devised, will ever render the mass of citizens engaged in the ordinary avocations of life, to which they are stimulated by impulses of duty and interest, a well-trained and disciplined soldiery. In time of profound peace, when they do not perceive any probable necessity for their services in the field, they cannot appreciate the importance of such attainments, as can only be acquired by considerable expense, labor, and sacrifice of time. Yet, we are assured, by the experience of the past that, however reluctant our fellow-citizens may be to undergo the rigors of militia discipline, in times of peace and security, they are ready to rally in the defence of their country, when assailed by enemies, foreign or domestic. When so called out, or, rather, coming forth on such occasions spontaneously as they do, they regard no privation nor exposure ; no severity of discipline nor danger ; no sacrifice of ease, comfort, interest, nor even life itself, if demanded by the honor, safety, or welfare, of their country. With such feelings, and a love of country, pre-eminant over all selfish considerations, the proudest citizen becomes, at once, a soldier in courage, and, very soon, in discipline and subordination. Were the committee disposed to suggest any new legislation on this subject, it would be that more liberal and efficient measures should be taken to arm and equip the whole body of the militia. The act, passed on the 23d of April, 1808, appropriated “ the annual sum of two hundred thousand dollars ” “ for the purpose of providing arms and military equipments for the whole body of the militia of the United States, either by purchase or manufacture, by, and on account of, the United States.” Your committee concur in opinion with the board of officers, assembled in 1826, hereinbefore mentioned, that this sum is “ inadequate ” for the object contemplated ; for they state, no doubt on due consideration, that, “ according to the present rate of appropriation by Congress, for that purpose, it would require, even supposing the population to be stationary, about thirty-five years more to accomplish a measure so congenial to the whole system of our institutions.” The act has now been in operation a period of thirty-two years, and the whole number of small-arms, and field artillery distributed among all the States, since its passage, would, perhaps, be more than sufficient to supply the militia of the State of New York. This is sufficient to prove the total inadequacy of the existing law to supply the wants of the whole body of the militia throughout the Union, in any reasonable time. Without arms it is impossible to train men to the use of them ; and for the men to procure them, of that uniform and superior quality, which is almost essential to the purposes of discipline, would involve individual burdens, regarded as oppressive by those who constitute the mass of the militia.

*States of America in Congress assembled (two thirds
curring therein),* That the following amendment to th
United States be proposed to the Legislatures of the se
when ratified by the Legislatures of three-fourths of
valid, to all intents and purposes, as a part of the sai

Congress shall, concurrently with the States, have
training the militia, according to the discipline pres
pose, and, whilst engaged in that service, they sha
rules and regulations prescribed for the government
in the military service of the United States; and,
teaching, in the primary schools and other seminari
several States, the system of discipline prescribed for

IN SENATE OF THE UNITED STATES.

JUNE 3, 1840.

Submitted, and ordered to be printed.

Mr. WHITE made the following

REPORT :

[To accompany bill H. R. No. 134.]

*Committee on Pensions, to which was referred an engrossed bill
in the House, entitled "An act for the relief of William A. Cudde-
back," report :*

The committee do not regard the evidence as sufficient to establish six
months' military service, coming within the spirit of the existing pension

It would appear, from the testimony, that Cuddeback served fre-
ely, during the Revolutionary war, in defence of the settlements in
Orange and Ulster counties, in New York, from the occasional incursions
of Indians ; that the inhabitants organized guards for their own pro-
tection, but not under any authority from the State. The claim for regu-
lar military service at West Point, and on the Hudson river at various
places, is not sustained satisfactorily.

The committee recommend an indefinite postponement of the bill.

Rives, printers.

IN SENATE OF THE UNITED STATES.

JUNE 3, 1840.

Submitted, and ordered to be printed.



Mr. BUCHANAN made the following

REPORT :

[To accompany bill H. R. No. 111.]

Committee on Foreign Relations, to whom was referred the bill from the House of Representatives entitled "An act for the relief of Alexander Everett," report :

This bill allows to Mr. Everett the sum of \$958 32 for office-rent from the 1st October, 1825, till 31st July, 1829, while he was Minister of the United States at Spain. This office was rented for the Legation at the rate of \$250 per annum, and the rent was charged to Mr. Everett's accounts against the Government; but it was not paid by the Department of State.

Mr. Everett alleges that he rented the office under the belief that the Government would pay the rent, founded on a knowledge of the fact, that allowances had been made to our ministers in London and Paris; and the Committee entertain no doubt of the truth of this allegation. The Committee, notwithstanding, do not feel themselves authorized to recommend the passage of the bill.

That, since 1817, the ministers of the United States at London, and since 1822, our ministers at Paris, have been allowed office-rent; and it may be well doubted whether this allowance is sanctioned by any act of Congress since May 1, 1810. That act is clear and explicit in its terms. It provides, "that the President of the United States shall not allow a Minister plenipotentiary a greater sum than at the rate of nine hundred dollars per annum, as a compensation for all his personal services;" and Mr. Everett was bound to know its provisions. The Committee believe that it is a necessary expense of the minister to procure an office where the business of his legation may be transacted; and that under no fair rule of construction can office-rent be considered as an expense of the mission. These contingent expenses are embraced only the postage on despatches, letters, &c., and other small and uncertain expenditures. The allowance for office-rent in London and Paris, has doubtless been made on account of the great expending in these cities, and the large amount of business to be transacted. It has never been extended to any of the other ministers of the United States; and the question now is, whether Congress shall, for the first time, establish such a precedent.

Printed by G. W. Parson, printers.

All our ministers and chargés have undoubtedly paid office-r different countries to which they have been accredited ; some general denomination of house-rent, and others for offices separate their houses. Indeed, similar claims have already been advanced by ministers to Madrid. If this allowance should be made to Mr. would be difficult to conceive upon what principle the money expended for the same purpose by all others in a similar situation could be withheld in the United States. His mistake, arising from a very questionable principle under the law at London and Paris, could afford no just ground for censure. The committee would much rather limit than extend the practice ; and, therefore, they recommend the indefinite postponement of the bill.

IN SENATE OF THE UNITED STATES.

JUNE 3, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT :

[To accompany bill H. R. No. 141.]

The Committee on Pensions, to whom was referred "An act granting a pension to Reuben Murray, of the State of Virginia," report :

The petitioner alleges two tours of service in 1781. To the first, there is but one witness, and he gives neither the date of its commencement or termination, nor does he state its length even in general terms. To the second tour there are two witnesses, whose testimony in regard to its length is too indefinite to enable the committee to form an opinion. A fourth witness states, that "Murray served six or seven months in the Revolutionary war," without naming even the year.

The petitioner states that, when he was discharged, he received "a certificate of pay," which he sent to Richmond, and got a "Treasury warrant for 300 acres of land." If this be true, he has it in his power to furnish documentary evidence of the duration of his services.

The committee do not deem the proof sufficient to establish six months' service, and recommend the indefinite postponement of the bill.

W. R. & Rives, printers.

MEMORIAL

OF

**NUMBER OF MERCHANTS AND TRADERS IN THE CITY
OF NEW YORK,**

REMONSTRATING

***against the passage of the " Bill to establish a uniform system of bank-
ruptcy throughout the United States."***

JUNE 3, 1840.

Laid on the table, and ordered to be printed.

***to the honorable the Senate and House of Representatives of the United
States, in Congress assembled:***

**we undersigned, merchants, traders, and others, residing in the city of
New York,**

RESPECTFULLY REPRESENT :

**That they do protest against the passage of the act upon the subject of
bankruptcy as reported by a majority of the Judiciary committee in the
honorable the Senate ; it being, in its provisions, exclusively for the benefit
of debtors, and seriously impairing the rights and securities of creditors.**

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Peck, Bloodgood, & Co.
Arthur Tappan & Co.
Eno & Phelps
James H. Van Alen & Co.
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Abraham Van Nest, jr.
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E. S. Miriam
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 Deen, Hyslop, & Deen
 Aaron Clark
 John Griffin
 Frank Vincent
 D. G. & D. Haviland
 Jas. Timpson
 Wm. Cromwell
 Joshua S. Underhill
 H. H. & R. Lawrence
 Bradley, Brookes, & Merrill
 Corlies, Haydock, & Co.
 Hunt, Brothers
 Nathaniel Norton.



PETITION

OF

OF CITIZENS OF THE OREGON TERRITORY,

PRAYING

for the jurisdiction and laws of the United States over that Territory.

JUNE 4, 1840.

Laid on the table, and ordered to be printed.

Before the Senate and House of Representatives of the United States of America in Congress assembled :

petitioners represent unto your honorable bodies, that they are residents of Oregon Territory, and citizens of the United States, or persons about to become such.

petitioners further represent to your honorable bodies, that they have settled in said Territory, under the belief that it was a portion of the United States, and that they might rely upon the Government for the blessings of free institutions, and the protection of its laws.

petitioners further represent, that they are uninformed of any Government by which its institutions and protection are extended; in consequence whereof, themselves and families are exposed to destruction by the savages around them, and others that would destroy them.

petitioners would further represent, that they have no means of protecting their own and the lives of their families, other than self-defence, originating and sustained by the power of an ill-instructed militia, and the resort to force and arms.

petitioners represent these means of safety to be an insufficient protection of life and property, and that the crimes of theft, murder, infanticide are increasing among them to an alarming extent; and your petitioners are themselves unable to arrest this progress of crime, and its consequences, without the aid of law, and tribunals to administer it. petitioners therefore pray the Congress of the United States to establish, as soon as may be, a Territorial Government in the Territory.

reasons other than those above presented were needed to induce your honorable bodies to grant the prayer of the undersigned, your petitioners would be found in the value of this Territory to the nation, and the existing circumstances that portend its loss.

printers.

with the important fact that the said company a lumber, and shipping to foreign ports, vast quantities upon the navigable waters of the Columbia, he apprehend that the English Government do in that portion of this Territory lying north of the

And your petitioners represent, that the said Columbia, is an invaluable possession to the Americans about Puget's sound, are the only harbors of ease and safe, upon the whole coast of the Territory this said northern portion of the Oregon Territory power, and valuable minerals. For these and others pray that Congress will establish its sovereignty

Your petitioners would further represent, that the Columbia river and north of the Mexican line, extends to the Pacific ocean one hundred and twenty miles in its beauty and fertility. Its mountains, covered with snow, and its prairies around their bases transparent with the white and black oak, pine, and cedar and furnishes into sections convenient for farming purposes in its hills, and salt springs in its valleys; its quarries of stone, chalk, and marble; the salmon of its rivers and the delights of the delightful and healthy climate, are your petitioners with the belief that this is one of the most valuable of the globe.

Indeed, the deserts of the interior have their riches, and their lakes evaporating in summer, yield up hundreds of bushels of the purest soda. Many instances may be named, showing the importance of this Territory from a commercial, and agricultural point of view. And, your petitioners would not undervalue considerations of this kind, and would especially call the attention of Congress to their

MEMORIAL

OF

MARY W. THOMPSON,

PRAYING

compensation for extra services rendered by her late husband while an officer in the United States army.

JUNE 4, 1840.

Laid on the table, and ordered to be printed.

the honorable the Military Committee of the Senate and House of Representatives :

In making a claim for compensation for services performed by my late husband, Lieutenant Colonel Alexander R. Thompson, of the United States Army, I will endeavor to show that I do it on the principles of equity ; and, to make my position clear, I will state facts.

When my late husband first joined the sixth regiment, at Jefferson Barracks, it was as its major. Lieutenant Colonel Baker was sick, and unable to perform the duties which properly belonged to him ; they necessarily devolved upon my husband. After the decease of Colonel Baker, Major Thompson was appointed to fill the vacancy thus made in the sixth ; he, being absent, did not join the regiment. More than a year after, he was ordered, at the expiration of his furlough, viz, on the 1st of September, 1837, to join the regiment then in Florida. This he declined doing, choosing rather to remain at home than to perform such unpleasant and thankless duty. Being able, he did so on the 6th of that month. This circumstance gave promotion to my husband, making him the lieutenant colonel of the regiment.

Previous to this period, however, Lieutenant Colonel (then Major) Thompson, when with the regiment, constantly discharged the duties of a colonel, directing them in their duties, and performing other executive obligations. He had been ordered, early in March, 1836, to proceed with his regiment to Fort Jesup, Louisiana, and unite with the third infantry in defending that frontier from Mexican invasion. Arriving at that post with the command, he received further orders from Major General Gaines to be detached with the sixth, and part of the third infantry (fourteen companies in all), and encamp on the borders of the Sabine river. On the 15th of April he departed on that duty, and continued on that service, performing the duties of a colonel, and in fact a general officer, till the 19th of December following.

with relatives, and the other was fortunate enough to find a private family in the village of Natchitoches. The effect of age and climate, frequently rendered there being no resources in the country at that period, reduced to much suffering for the want of proper food, was the loss of my health, which I have never recovered.

Permit me here to observe, how little is known of our regular army, while in the field, and how little sympathy do the people seem to have for sending and preserving to them the quiet and enjoyment of their comforts, privileges, and liberties.

The wives of officers, whom circumstances, in the field, often lead to accompany their husbands, are the nurses and gratifications of civilized and Christian companions of the toils, and sharers of the hardships, more dear to them than life, with all its polished and refined pleasures, can possibly be, separated from their society. The well known reputed chivalric character of some of our officers, we fear not to make a comparison of equal value, made by wives of officers of the present day.

But to proceed: On the 19th of December (then Major) Thompson again received orders to march with his regiment to Florida: this order was most promptly obeyed—*would that it had possibly have been spared my present affliction, and the health of my devoted husband.*

This order of General Gaines was disapproved and countermanded on being known; but the command when it reached my husband he was in Florida, and of the commanding general permission to comply with the order, but the commanding general on the

in Florida, "*he commanded considerable bodies of troops and others; and that, from June till November, 1837, he commanded the most important district in Florida.*" At times, he commanded all the troops north of the Hillsborough, and south of the Withlacoochie."

will further appear, that a high responsibility rested on him from the time he first joined the sixth regiment until the moment he yielded his life on the battle-field of Okeechobee. History has and will do justice to his conduct in that memorable affair, by giving his noble example as a pattern for others to imitate; but his regiment will long have cause to deplore such a leader, with some of the bravest of its officers and men, who fell in that ruinous conflict—the result of which made hearts desolate, and prostrated the fondest hopes.

offering a further reason why it is just that I should be compensated for the services of my husband, I would respectfully observe: That the commission given to an officer, investing him with a certain rank, with the understanding that he is to receive a stipulated sum, deemed equivalent to the duties to be performed, as connected with that rank (the nature of the commission, I think, involves such a supposition)—and (I now speak absolutely, aside from the feelings of *patriotism and chivalry*) thus, the commission of a *major* certainly does not express that he is to perform the duties of a *general officer*, and the fact that he is required, and agrees to obey all orders of his superior officers, merely refers to his duty as a *good officer*—it can have nothing to do with the remuneration he is to receive for performing higher duties.

It will be readily admitted that military men love rank and command; the desire to obtain them seems inseparable from the spirit of the profession. The honor of command, as connected with responsibility, is alike important and desirable; and he possesses not the spirit of a *true soldier* who declines command, although no *solid* testimonial accompanies the proffered rank.

There can, it is true, be no reasonable cause for an officer to demur when a temporary command and higher duties, under peculiar circumstances, are imposed upon him without compensation for a few weeks; the honor and authority it gives him may be to him a sufficient remuneration; but, when he is required to perform the most trying and responsible duties for *months*, and *even years*; when with these he is compelled to endure deprivation, suffering, and hardship, and even much pecuniary loss, while he is performing, by order, the duties which do not properly belong to his rank, but to that of another, who is either on furlough, or some pleasure service, then it certainly is but equity that the officer performing the service should receive the pay according to the rank in which he acts. A lieutenant, when commanding a company, receives additional pay; also, a promotion exists in the navy granting to an officer, who performs the duty of a higher grade, the pay and emoluments due the rank in which he acts; why not carry out the principle, and distribute justice with an even hand?

It may however still be urged, that the officer, whatever be his rank, is required to obey all the orders of his superiors. Be it so. So, in like manner, is a hired servant bound to obey his master, though in voluntary servitude. I hope I shall be pardoned for making the humble comparison; but we are all servants to, and dependant on each other—officers are servants of the Government). But, if the master *assumes* a right to command his servant to do him a greater amount of labor than is equivalent to the sum for which

IN SENATE OF THE UNITED STATES.

JUNE 4, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT :

[To accompany bill H. R. No. 139.]

committee on Pensions, to whom was referred " An act restoring the name of John Lathram to the pension-roll," report :

Two periods of service are alleged, one in the militia, and the other in the regular army. The first was at the siege of Yorktown and other places, the length is fixed by Lathram at three months ; but the only witness to the service, Peter Knight, does not state its duration, otherwise than by saying that he "stayed his time of service out," without naming how long that was. In regard to the second period, Lathram says that he enlisted (22, he thinks) for three years ; and after having joined his regiment, was permitted to return home on furlough, and never went into the service.

Neither he nor either of his two witnesses states how long he was in the service at this time, and no time is mentioned, even in general terms. William Knight simply testifies, that Lathram did enlist for three years, and all that Peter Knight knows about it is, that he was present when Lathram was notified to join his regiment.

The evidence is not sufficient to prove six months' service.

The committee recommend the indefinite postponement of the bill.

Rives, printers.



IN SENATE OF THE UNITED STATES.

JUNE 4, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT:

[To accompany bill H. R. No. 124.]

Committee on Pensions, to whom was referred "An act for the relief of James Phelps," report :

The claimant alleges more than two years' service in the Revolutionary war as one of a guard, placed over the public stores at Windsor, Connecticut, commencing in June or July, 1779. He says, in one place, that he was born in April, 1769, and in another, that he was born in April, 1768. In his own showing, he could have been but about eleven years and months old when his service began.

By the certificate of the comptroller of Connecticut, it appears that the expenses of guarding the public stores at Windsor were charged to the United States, and that the last account entered upon the records of that State is under date of the 5th of April, 1780: so that, if it be true that he served two years (as he and his witnesses swear), his service must have commenced before he was ten years of age. He says that the object of his father in putting him into the guard, was, to keep him at school—the school being a school-house near by the guard-house. He was probably near about the guard-house much of his time, but it is almost impossible to suppose that he performed two years' military service before he was ten or fourteen years old.

The committee recommend the indefinite postponement of the bill.

W. & Rives, printers.

MEMORIAL

OF

NUMBER OF CITIZENS OF THE CITY OF WASHINGTON,

PRAYING

The renewal and modification of the charter of said city.

JUNE 5, 1840.

Referred to a Select Committee, and ordered to be printed.

the honorable the Senate and House of Representatives of the United States in Congress assembled:

the memorial of the undersigned, inhabitants of the city of Washington, in the District of Columbia,

RESPECTFULLY REPRESENTS :

That the charter of the said city will expire, by limitation, on or about the 25th of May, 1840 ; that a renewal of the same, from the necessity of the case, must be asked for by the citizens ; that the present charter, in the opinion of your memorialists, is oppressive, unjust, illegal, and unconstitutional : *oppressive*, because it requires those who have had no voice in making regulations to obey and enforce them ; *unjust*, because it empowers a few to legislate for all ; *illegal*, because it causes taxes to be levied alone upon property-holders ; and *unconstitutional*, because it denies the right of free suffrage to freemen.

Your memorialists, therefore, humbly ask that the charter of the city of Washington may be renewed, with the following alterations ; and that laws may be repealed which conflict with, and that new laws may be enacted to carry into effect the spirit of, the improvements suggested.

Your memorialists ask—

First. That the charter may be limited to ten years.

Second. That power may be given to them to levy a poll-tax upon all the male white citizens of twenty-one years of age and upward, who shall have resided in the city twelve months, excepting the President, the President, and heads of departments.

Third. That all free male white citizens of the United States, of twenty-one years of age and upward, who shall have resided in the city of Washington for a period not less than twelve months immediately preceding any election, and who shall have paid an annual poll-tax of one dollar into the treasury of said city during the time, may be declared qualified electors at any election for mayor, aldermen, common councilmen, and other municipal officers.

W. Rives & Rives, printers.

with the exception of mayor, aldermen, and common
Believing that your honorable bodies cannot but
granting the desires of your memorialists, and feeling
enlightened spirit of the age will aid them in rolling
equal rights and privileges, your memorialists leave
hands for weal or for wo.

And, as in duty bound, will ever pray, &c.

James Maher
C. Eckloff
Michael McDermott
J. A. McCurdy
Charles McNamee
Joseph Thaw
Thomas Jordan
John McMahon
Nicholas Harpur
John U. Moulder
Jasper T. Harper
Bernard McCloskey
J. B. Gorman
Thomas Cookendorfer
John Hancock
James Hollidge
John Hoburg
John C. White
Philip Ennis
Patrick Moran
Thomas Clarke
Michael Kelly

Garret Andel
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Owen Conn
Samuel Rob
John Doyle
Henry Ellis
John Marvin
W. O. Ridd
James W. S
William Wh
John Wrong
G. Sloan
J. A. Donoh
B. F. Duvall
E. B. Duval
M. Curran
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Pierce Shoe
Godfrey Eck
Thomas Pu
Andrew Ho

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 eis Reilly
 s Kealey
 nas Gass
 l Porter
 nas Kelly
 h Mundle
 ge C. Ryan
 Allen
 am Hearn
 Webster
 Rowan
 am Greenan
 ge Wallace
 les Van Horshoud
 philus Throckmorton
 s S. Sprague
 am Morrison
 s Slater, jr.
 el McNight
 am Choppin
 el K. Volert
 Mayhern
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 am Peterson
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 nas Johns
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 Gallagher
 . Parris
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 am Emmons
 uiah Sullivan
 . Sweet
 N. Ashton
 am F. Wallace
 nas L. Mooney
 Develin
 en D. Wallace
 Rodgers
 Woodwright
 . Eckloff

Charles Rozenthal
 John McDermott
 Francis Morrow
 Gerhard Detering
 Peter Brady
 William McPeak
 William A. Mohun
 David Little
 Jeremy McDom
 John Hoover
 T. J. Arguelles
 George Hill
 William Owen
 B. Lindsley
 Richard Danon
 John T. O'Donoghane
 Philip Haas
 Henry Galliger
 Andrew Gamble
 John Clark
 Alexander Rutherford
 Alexander McGarvey
 Roderick O'Brien
 Jackson Lecky
 D. D. Addison
 J. Chas. Ealy
 A. Fendrichs
 J. Hampson
 Edmund F. Brown
 Benjamin Wright
 John Ward
 R. E. Doyle
 Edward Miller
 Peter Callan
 Richard Nixon
 John Pettibone
 Francis Hanna
 E. Evans
 John West
 Dennis Bowler
 William Dowling
 Elexius Simms
 Samuel Walker
 James Hompson
 James O'Bryon
 Lewis Haslup
 John S. Chauncy
 Nicholas Travers
 John Boyle
 Ambrose Lynch
 John L. Clubb
 George C. Grouard

Wm. F. Johnson
H. Hungerford
E. L. Hamilton
Wm. C. Lumley
Charles Warden
Jos. Flushlery
Barney Campbell
Charles Batchelor
James Henderson
Joseph Tayt
Joseph Sherry
John Attridge
John Thomas
Benjamin Hays
James Hanna
Wm. Curren
James Jackson
Denis Hegerty, jr.
C. A. Anderson
C. Alexander
S. Intermuur
Hazard Knowles
John H. Titcomb
J. Peabody
George Kleiber
Charles Murray
James Hoban
J. E. Callan
A. M. Orr
Wm. French
R. McKenna
B. Reilly
Edward McGuire
K. H. Lambel
Samuel C. Wroe
John O'Connor
George Kensett
T. F. Lawrence
Martin Murphy
William Donavan
Robert Connor
James Fitzgerald
George Phillips
James Watson
J. H. Smoot
F. S. Myer
Wm. H. Deitz
Richard C. Coxe
N. T. Arnold
William Morrow
Jeremiah D. Wells
William Churchill

B. T. Reilly
Michael Moran
William Sweeny
John Emerich
John Lynch
R. J. Morsell
Thomas Wall
William Greason
Samuel G. Macomly
E. Lacy
James H. Jones
William Jones
G. W. M'Callar
Richard Smith
F. Golding
Michael Cordon
J. Mills
James Galt
William Magill
Michael Dooley
Michael Nash
George W. P. Yager
James A. Loveless
John Ennis
James France
William Von Resurd
J. A. Brightwell
Thomas Marche
Simon Kelly
William Keefe
George McNaughton
David Brown
William L. Davis
John Hobbs
T. King
T. Campbell
Henry Ferguson
John M. Vance
Erasmus Higgins
Jacob Miller
Patrick M'Greavy
William Halfpenny
William Greene
Henry Thompson
Adam Sintchenall
James Wilson
Edward Geary
Wm. Koezer
Benjamin Kelvington
Hamilton Kerr
E. Dunham
Patrick M'Phelim

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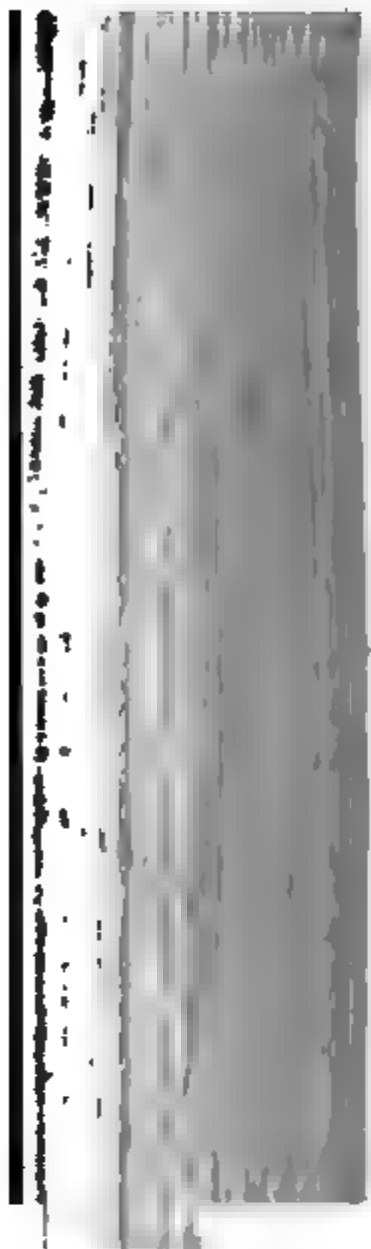
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 Robert Keyworth
 John A. Blake
 Samuel Nevett
 P. H. Perry
 Francis Maress
 Michael Slatterly
 George Dale
 Joseph M. Munding
 James O'Neill
 P. H. O'Connell
 Stephen S. K. Durkee
 George Hutton
 Thomas Sweeny
 William Adams
 J. Luskey
 W. M. Daniel
 John M'Gregor
 James Brown
 Peter Ellis
 John B. Wetherill
 William Matthews
 James Radcliff
 Benjamin Wilkinson
 Richard Brooks
 John Atchison
 James Burgess
 Adam Crawford
 William Young
 D. E. Healy
 John Lloyd
 James R. Adams
 P. Doud
 I. Ho
 P. Caton
 James Wartman
 James L. Morton
 William B. Guy
 T. Harbaugh
 John A. Donnoghue
 James Henderson
 Francis Royre
 John Foote
 Thomas Smallman
 A. R. Dawson
 William Hussey
 O. H. Bestor
 N. P. Causin, jr.
 Isaac Goddard
 William Greer

[518]

James Hyland
A. W. Denham
John C. Rives
Francis A. Dunn
James A. Tait
Balaam Birch
Joseph K. Boyd
J. H. Ritter
John Carey



MEMORIAL
OF
JOSEPH L. SMITH AND OTHERS,

PRAYING

the Committee on Agriculture be instructed to make an annual report on the agricultural interests of the Union.

JUNE 5, 1840.

Referred to the Committee on Agriculture, and ordered to be printed.

be honorable the Senate and House of Representatives of the United States :

The memorial of the undersigned

ECTFULLY REPRESENTS :

at they believe great benefit would accrue to the agricultural and growing interest of this Union, by a report from the Committee on Agriculture, or a department of Government—on the comparative value of fruits of the Union, for the table, culinary purposes, drying, exportation, feeding stock—hogs, cattle, horses, poultry, &c. ; the soil and climate suited to each, so as to keep up a succession for the above purposes, with the prohibition of the imports and exports of fruits, and the capacity of this country to increase the latter ; and that such department may report at the next session of Congress on the character and habits of insects destructive to fruits and fruit-trees of the country, with ascertained remedies against such evils.

JOSEPH L. SMITH, and others.

Rives, printers.

PETITION

OF

A NUMBER OF CITIZENS OF MISSOURI,

Praying the establishment of a post-route.

JUNE 5, 1840.

referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

STATE OF MISSOURI,
County of Buchanan.

we, the undersigned, citizens of the attached part of Buchanan county, do most respectfully represent to your honor, that this country has settled three years, during which time we have been using our utmost endeavors to get a post office in our country, but have, as yet, failed in every instance. We have at least five thousand souls, who are deprived of that great benefit which results from the post office generally. We have taken this method to inform your honor of our situation, with confidence that, as you are now in Congress, you will give us your aid in this matter. We have petitioned the Postmaster General again and again, for an office at Elliott & Samuels's store, which will be near the mouth of the third county in the Platte Purchase. Elliot & Samuels's store is situated five miles east of the mouth of the Nodaway river. By reference to the act of Congress of 1837-'8, you will recollect that a post-route was established, running up the Missouri river, to the mouth of the Nodaway river: the prayer of the petitioner then was, that the route should end at Elliott & Samuels's store; but, by some means, the mouth of the Nodaway was substituted for the aforesaid store. If you cannot succeed with the Postmaster General in getting an office at the store, under the act of Congress aforesaid (as the mouth of the Nodaway is a remote place, and on one edge of the country, and no person there to receive the office), we wish the act so amended that the route should end at William Tharp's, by the way of Elliott & Samuel's store, which would be the most practicable route of any other that can be had. Your early attention to this matter, you will confer a favor that will not be forgotten.

WARREN TAYLOR, and others.

HON. LEWIS F. LINN,
Member of Congress.

IN SENATE OF THE UNITED STATES.

JUNE 5, 1840.

Ordered to be printed.

Mr. PRESTON made the following

REPORT :

[To accompany bill S. No. 365, and resolution S. 17.]

Committee on the Library has had under consideration the memorial of Mr. Alexandre Vattemare, and report :

at the memorialist, who is a subject of the King of the French, has conceived a project, to the execution of which he has devoted much industry and ability, having in view the establishment throughout the civilized world of a system of exchanges between Governments and literary and philosophical institutions, of books, models of invention in the useful and arts, and specimens of natural history. This project has been suggested by Mr. Vattemare to most of the European Governments, and to very many learned societies, from all of which it has received the most favorable confirmation, accompanied in many instances with very flattering testimonials from the author; some of the notices, from ministers of state, or from distinguished men, whose names are extensively known, are selected from a mass of similar documents, and appended to this report.

The establishment, under the patronage of Government, or of opulent individuals, of an intellectual commerce, which will effect a more rapid and perfect transmission of ideas from each to every other country, is a project worthy of the advanced civilization of the age, and even if but partially carried out, cannot fail to produce benign results; for, besides the circulation and diffusion of knowledge, which is the primary purpose of the plan, the mere effort to effect it is calculated to promote a spirit of peace and good will among men.

The nature and powers of the Federal Government authorize the adoption of Mr. Vattemare's project in its widest scope, it would be prompted to do so as well by the genius of our institutions, which demands a general diffusion of intelligence, and is predisposed favorably to every suggestion that has for its object the advancement of knowledge, as by the obvious consideration that the rich accumulation of Europe in departments of learning as yet uncultivated by us, offer a most profitable exchange.

The full reciprocation, however, and enjoyment of such advantages, is within the power of the States, who will doubtless follow the example of Louisiana in availing themselves of it. But the committee believes that this Government may also, to a limited extent, advantageously enter into the proposed arrangement.

W. Rives, printers.

*M. de la Martine, member of the Chamber of Deputies of France.
April 10, 1836.*

our plan for a general exchange of duplicates between all libraries is lent. It would aid us in completing our collections, which are already so rich; but it would also have another and happier effect: it would diffuse into France all the ideas of Europe, and would spread throughout all the ideas of France. Thus, by means of simple exchanges, diffusion of information—the object of so many of our cares and labors—will be effected. No one, sir, takes a deeper interest than myself in the accomplishment of a plan so easy of execution, attended with so little expense, and so advantageous to the whole civilized world, as yours appears to be.

M. Eugene de Monglave, in the name of the Historical Institute of France. March 12, 1836.

Our idea, sir, is a grand and generous one, which ought to succeed, and which every studious man should encourage by all means in his power. The Chamber of Deputies has offered you its aid, and you will doubtless also receive that of the Chamber of Peers. The name of your honorable reporter affords me a guarantee that the Historical Institute will be proud to receive you among its members. Our society does not wish to be the last in this universal movement. A committee has been appointed, consisting of Messrs. Frederick Boissiere, the Abbe Labonderie, Le Gonié, Doctor Sandras, Albert Lenoir, and myself. We have conscientiously examined your plan, and have unanimously agreed to address a note in support of it to the minister of public instruction. Have courage, sir, and persevere; great ends are not to be attained in a day. But the glory you will reap, if you succeed in overcoming all obstacles, as I do not doubt you will! What expressions of gratitude you will receive from illustrious men in all countries! And what a name you will leave to your children!

M. Constant Benier, chief clerk of the Department of Public Instruction, April 8, 1836.

I address you, sir, less as an officer of the department of public instruction, than as a man devoted to study, and to the cultivation of learning. Your plan has been long known to me: I have watched it from the period of its first formation; and, even if my duty, as a public functionary, does not absolutely oblige me to promote its success, I should, you may be assured, as a man of letters and study, take the utmost pleasure in contributing to its accomplishment.

Foreigners have, too often, robbed us of the honor of great ideas, and of great enterprises, for us to allow this opportunity to escape, of taking a national revenge. In this instance, however, we have no right to complain of them, for their efforts will second our own; and this unanimous concurrence is only another proof in favor of the universal usefulness of your plan.

From M. Keratry, Counsellor of State and member of the Chamber of Deputies, well known in France from his many literary productions, February 27, 1836.

I will certainly, sir, give my vote in favor of the petition which you have addressed to the legislative chambers respecting the exchange of duplicate copies of works between the various libraries of Europe. The plan is too well conceived not to fix the attention of all the friends of literature and science. Notwithstanding its extensiveness, there is nothing complicated in it; and it presents no insurmountable difficulties. On the contrary, the will to execute is all that is wanting to ensure success. The idea is so simple, and so fruitful in results, at the same time that we are only astonished at its not having been earlier brought forward. Such, however, has been the character of all great and important discoveries: and as the author of a great and important discovery deserves to be addressed to you my most sincere compliments.

*From the Duc de Broglie, then minister of foreign affairs
June 12, 1835.*

The minister of foreign affairs has read, with great interest, the petition which M. Vattemare has done him the honor to address to him respecting the establishment of a system of exchanges between the different libraries of Europe, possessing several copies of the same works. The plan of labors undertaken by M. Vattemare, with the view of facilitating such exchanges, seems to be unquestionable; and the minister of foreign affairs will embrace the earliest occasion to speak to his colleague, the minister of public instruction, upon the plans formed by M. Vattemare.

[Extract from the speech of the Marquis de Laplace, in the Chamber of Peers of France, March 30, 1836.

I conceive the great advantage of a journal, such as the petitioner proposes, which would form a general catalogue of duplicates, either of manuscripts, objects of art, medals, coins, or scientific curiosities, and which would inform us in what places and in whose hands they are. I comprehend all the advantages of such a journal, not only for librarians, book collectors, for learned men and rich amateur collectors, but also for the different Governments.

I believe it to be the duty of our Government to encourage and support such an enterprise; and that it becomes France to take the lead in the measure which may produce such desirable results. Such publicity will bring out invaluable works, which are not sufficiently appreciated by the public, and which, from the dust of oblivion and from their obscure retreats, will be brought to light; and shall we not congratulate ourselves for having made our country interest contribute to so great a work?

For these reasons I support the motion to refer the petition to the committee of public instruction. I see another advantage to be gained from the favorable reception the Chamber may give to this petition. The publication of the periodical journal, proposed by the petitioner, will be of great service to the enlightened nations, and therefore give him a right to claim

concurrency of their Governments. Now, as the petition has been already referred by the Chamber of Deputies a few days ago, the measure in question will be presented to foreign nations, with the approbation of the French Chambers, an approbation which must certainly assist him in the development of his project. I also demand that the petition may be referred to the president of the council, the minister for foreign affairs, to call his attention to the arrangements to be made with foreign Governments for facilitating the exchange of such objects, and to aid thereby this perfectly pacific traffic of letters—quite above all political passions and prejudices—which alone so much honor to humanity in every period of the world. I therefore conclude by proposing that the petition may be referred to the minister of foreign affairs and of public instruction.

These propositions were adopted by the Chamber of Peers, and the petition sent to the ministers.

NEW YORK, *December 3, 1839.*

DEAR SIR: The high and numerous attestations given to your plan of literary and scientific exchanges, by the most eminent scholars and public men in Europe, and the eloquent manner in which several of them have stated the philanthropic objects and beneficial results, leave me little to say on those points. I could do nothing more than repeat their views and express my concurrence with them. I can only add that your plan has a special peculiar value in relation to this country; it will furnish our students easy access to much science, art, and learning, the treasures of which are now useless superfluities in the great public repositories of Europe; in which we can furnish much that is now out of the reach of European inquiry—much, not indeed of the works of learning or high art—but of valuable materials for physical inquiry, for moral, legal and political science—in which, for the study of man and of nature. The cabinets of Europe may be enriched with specimens of the gigantic nature of the new world, legislative, legal, and documentary publications of our several State Governments, as well as of that of the United States, supplying precious materials for the studies of the political economist, and the philosophical philanthropic statesman. Thus each continent will be enabled to contribute to the scientific wealth of the other, and distant nations will meet in generous rivalry for the diffusion of knowledge. I admire the zeal and devotion with which you have applied yourself to the execution of this unpretending but beneficial plan. With the warmest wishes for its success,

I am your friend and servant,
GULIAN C. VERPLANCK.

ALEXANDRE VATTEMARE.

ALBANY, *May 7, 1840.*

DEAR SIR: I regret extremely that engagements, which require my departure for New York, will prevent my having the pleasure of attending at the meeting to be held this evening, for the consideration of your plan for an item of exchange between governments and learned institutions through-

ALEXANDRE VATTEMARE, Esq.

WASHINGTON,

SIR: I have the honor to acknowledge the receipt of your memorial to Congress on the subject of international exchanges of books, works of art, natural history, &c.

It would, I assure you, have given me great pleasure to have seen you in Washington.

I regard the subject of your memorial as highly important, and it will command my warm support.

With sentiments of respect and esteem, I am, sir, your most obedient servant,

MONS. ALEXANDRE VATTEMARE, *City of New York*

ALBANY,

MY DEAR SIR: It gives me great pleasure to communicate to you a copy of M. De Tocqueville's great work on American Democracy, with a volume of the third edition. The fact that it has sold in such rapid and large sales, is a sufficient answer to all apprehensions concerning its reception, and at the same time the strongest sanction of its general fidelity.

I cannot suffer the occasion to pass without expressing my concurrence in the great project which you have originated of exchanging books and of productions of nature and art by the

I have had the opportunity of a personal acquaintance with such a

With high regard,

JOHN C. SPENCER.

VATTEMARE.

. ALBANY, *May 8, 1840.*

DEAR SIR: Though I had not the pleasure of being present the evening at the Capitol, when the claims of your proposed system of range were exhibited, I beg to assure you that it was nothing short of an anxious necessity that detained me; and that, in every view of the case, project seems to me deserving of the most liberal and extensive patron-

I cannot doubt that both our national and State Governments will ally co-operate with you in this noble enterprise, whose "field is the world;" and that, in proportion as it offers greater advantages to our country than to any other, you may find us ready to meet you in a more liberal and vigorous co-operation. I am happy to find that your visit to this city has left the most happy impression; and all, I believe, who have contemplated your plan, are prepared to award to its projector the honor of being one of the world's great benefactors.

I need not say, my dear sir, how happy I am in having enjoyed the privilege of your acquaintance, or with what sincere and good wishes I am obedient and obliged,

W. B. SPRAGUE.

NATIONAL ACADEMY OF DESIGN,
New York, December 3, 1839.

SIR: I have been requested, by a unanimous vote of the council, to express to you the thanks of the National Academy of Design, for the generous offer and loan to them of your superb and unique collection of drawings and paintings, by the collected talent of European artists, for the philanthropic purpose of creating a fund for procuring an annual medal, to be awarded by the Academy in promotion of the arts.

In performing this gratifying duty in behalf of the Academy, I beg leave to say, that the extent of our obligation to you is not measured by the degree of success with which the public have rewarded our efforts. But, though your noble intentions have been frustrated through the circumstances of the times, in their principal object, the instruction and the gratification which the artists and amateurs of this city have received from the view of your rich collection, (emanations from some of Europe's most brilliant minds,) have amply repaid the Academy for any expense or labor to which they have been subjected.

Wishing you every success in your philanthropic labors to promote literature, science, and art, I remain, sir, with the highest consideration, your most obedient servant,

SAMUEL F. B. MORSE,

President of the National Academy of Design.

Monsieur ALEXANDRE VATTEMARE.

IN SENATE OF THE UNITED STATES.

JUNE 5, 1840.

Ordered to be printed.

Mr. HUBBARD made the following

REPORT :

[To accompany bill S. No. 363.]

Committee of Claims, to whom was referred Senate bill No. 163, for the relief of William R. Davis, report :

That the said bill provides for the payment of the following account prepaid by the said Davis, against the United States, viz :

: UNITED STATES,

To William R. Davis, DR.

Repairing and cleaning arms and accoutrements used in the regiment commanded by G. W. Ewing, at the Pottawatomie Indian payment, in September, 1836; also, furnishing powder, lead, casting balls, making 1,000 cartridges, paper, twine, &c. \$60 00

By an act of Congress passed March 3, 1839, a specific appropriation was made for paying three companies of Indiana militia, called into the service of the United States by Colonel Ewing, on the 25th of September, 1836, on requisition of A. C. Pepper, Indian agent at Logansport, for the protection of certain Indians assembled to receive their annuities, and other persons necessarily employed relative to said annuities; it being for the services of said militia, and for necessary expenses incurred by them incident to said service. The articles furnished, and the services performed by the claimant, were for the detachment of militia ordered out upon this occasion. The amount appropriated by this act was predicated upon the returns made by Colonel Ewing to the Secretary of War, of the services rendered, and the expenses incurred. The account of the claimant, it now appears, was unintentionally omitted by Colonel Ewing, in making his report, and its payment was not, therefore, provided for by the appropriation made in March, 1839. His claim is now properly authenticated by Captain Tipton, of the Logansport guards, and Colonel Ewing, who certify that Davis did perform the services as stated in his account, and that the account is correct and just.

Similar charges to those made by the claimant were allowed and paid under the act of March, 1839, as necessary expenses incident to the service.

The committee, therefore, report the bill without amendment, and recommend its passage.

& Rives, printers.

REPORT
FROM
THE COMMISSIONER OF PENSIONS,

ON

The claim of Conrad Widrig for a pension.

JUNE 5, 1840.

Submitted by Mr. PIERCE, from the Committee on Pensions, and ordered to be printed, to accompany bill H. R. No. 157.

PENSION OFFICE, August 22, 1833.

SIR: Agreeably to your order, I have the honor to submit the following report upon the letter of G. B. Judd, Esq., respecting the claim of Conrad Widrig:

The claimant alleges that, at *fifteen years* of age, he volunteered, and served under Captain Sterling about one year, and Sergeant Bargy for more than two years, in Colonel Belleager's regiment. His service, as closed by his declaration, was, "tending the ferry at Fort Plain;" his principal station at Fort Mike; and his business, *scouting*, standing guard, duty, and the general duties of the camp.

The militia service consisted of short tours under legal draughts, or sudden calls during alarms. The alleged service under Captain Sterling in respect corresponds with that description of service; and claimants frequently employ the word "served," to mean a liability, or readiness, to serve; hence it was believed that the claimant had confounded ordinary duties of patrol and guard, which devolve upon the militia in peace as in war, with that military service contemplated by the act of 7th June, 1832, which must have been rendered in a corps duly organized, embodied, and commanded, agreeably to the law martial.

The claimant, it should be observed, resided and rendered his alleged service in Herkimer county, the then frontier of New York, where the inhabitants, without the stimulus or authority of provincial resolves, but in the irresistible influence of their local position, were subjected to the most arduous patrol and guard duty; and, to ensure their own safety, not frequently compelled to reside in temporary forts of their own construction and government. If the claimant intends, or Mr. Judd for him, to maintain that he served continuously for twelve months under the militia captain, Sterling, in the embodied company, the allegation is discredited by the knowledge of the office, however limited the estimate which Mr. Judd has made of that knowledge. (See copy of the letter from this office of the 5th instant.)

With respect to this claim for scouting and ranging under a militia service,
A. J. & Rives, printers.

IN SENATE OF THE UNITED STATES.

JUNE 5, 1840.

Ordered to be printed.

Mr. PIERCE made the following

REPORT :

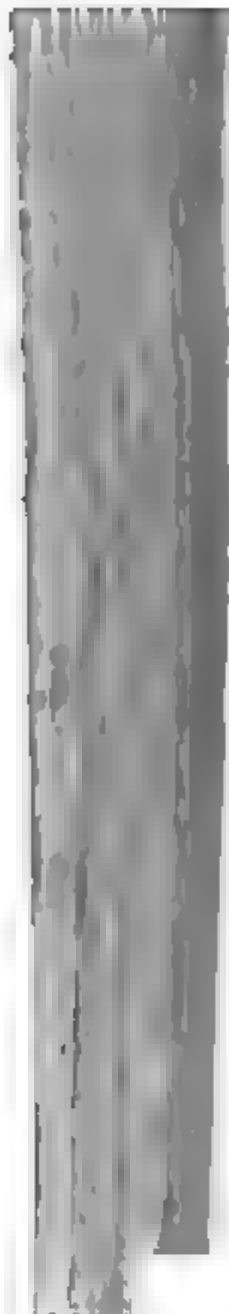
[To accompany bill H. R. No. 150.]

Committee on Pensions, to whom was referred "An act granting a pension to Elizabeth Case, widow of James Case, deceased," report :

Her husband was a pensioner, and died in August, 1836. The marriage was in May, 1778, after the expiration of the last period of his service. Her age then comes within the provisions of the act of July 7, 1838. Her application to Congress is made in order to obtain the benefits of the act of 1836; and this bill grants her a pension of \$81 66 for life, from the date of her late husband's death.

The committee see nothing in this case to justify the passage of this bill, as it does not equally apply in the cases of all widows of the class entitled under the act of July, 1838; and, as it is deemed inexpedient to extend the pension laws at this time, and more especially by partial acts of legislation, they recommend the indefinite postponement of the bill.

Lives, printers.



IN SENATE OF THE UNITED STATES.

JUNE 5, 1840.

Submitted, and ordered to be printed.

Mr. WALL made the following

REPORT:

[To accompany bill H. R. No. 77.]

Committee on the Judiciary, to whom was referred House bill (No. 77) entitled "An act for the relief of the heirs and representatives of Thomas Atkinson, deceased," report:

So report of the Committee on the Judiciary of the House of Representatives accompanies the papers sent to the committee. With the bill is added a petition without date, marked "February 4, 1839, referred to the committee on the Judiciary," which substantially alleges: That, about the year 1816, Thomas Atkinson, John Brooks, and Patrick Farrelly, became sureties of one Richard Bean, as collector of the direct tax and internal duties of the United States for the 23d Pennsylvania collection district; and, some four or five years thereafter the said Bean became a defaulter owing \$2,000; when, upon the application of his sureties he was released, and all that was available of uncollected bonds, with Bean's own assets, after his decease in 1823, were paid into the Treasury, leaving a balance of debt and interest, in the spring of 1838, little short of \$1,200. Prior to the lastmentioned time, a suit had been commenced against Atkinson, on the official bond of Bean and his sureties, as the surviving obligor; and shortly afterward, and before anything was done therein, he departed this life. At the then last session of Congress, an application was made in behalf of the different families of the sureties, praying that they might be released from further liability; but the petitioners know not what definitive action was had thereon; and the counsel of the United States being of opinion that the pending suit should be adjusted, a judgment was given in the circuit court of the United States for the western district of Pennsylvania, in an arrangement that time should be given for the payment of the amount due. Since which time, in September last, four hundred dollars were paid, and the costs, leaving a balance then due of about eight hundred dollars, from the payment of which the petitioners ask to be relieved; that each of the sureties left a widow and several children, dependant for their daily support and maintenance on the very limited means possessed at the time of their decease, and should they be compelled to discharge the debt, it would necessarily deprive them of what can now but afford them a partial and rigidly economical support; and, as a matter of justice, the petitioners pray, from what they have been informed by intelligent and respectable

IN SENATE OF THE UNITED STATES.

JUNE 5, 1840.
Ordered to be printed.



Mr. WALL made the following

REPORT:

[To accompany bill H. R. No. 81.]

mittee on the Judiciary, to whom was referred the House bill (No. 11) titled "An act for the relief of Joseph Wallis, and the heirs and representatives of Robert Leckie, and of Jeremiah D. Hayden, deceased," report :

The committee on the Judiciary, of the House of Representatives, do not have made any report in this case. The petition of James Y. John Boyle, administrators of Robert Leckie, deceased, sets forth, the year 1825, Jeremiah D. Hayden, now deceased, being a paymaster of the army of the United States, entered into bond to the United States with Joseph Wallis, and the said Robert Leckie, as his sureties, in the sum of \$20,000, conditioned for the faithful performance of his duties as paymaster; that the said paymaster was then, and ever was, a man of undoubted probity and fidelity, and always performed the duties of his office, and all others intrusted to him, with the most perfect integrity and accuracy; and accounted to the proper department with regularity, to the entire satisfaction of the Government. That, in the year 1826, the said paymaster was despatched on the public service, and carried with him a considerable sum of money, for the purpose of paying off the troops of the United States at some of the remote western posts; that, while on such public service, he was suddenly taken ill, in a situation remote from all proper aid and assistance, and there died. That there were no officers of the Government on the spot, to take possession of his personal property and public moneys when the officer, who was despatched to take possession of the same, arrived, it appeared that there was a considerable deficit in the public funds. That no officer of the Government, and no individual acquainted with the uniform high character and accurate habits of the said paymaster, ever entertained any other opinion than that these funds had been properly accounted for by persons in the neighborhood, or immediately after his death, without any default, or want of care, on his part.

A suit is now pending against the petitioners, on the said official account, for the purpose of recovering the balance appearing, on the settlement of the accounts of the said paymaster, to be due from him. That, on the hearing of the said cause, the foregoing statement of facts was fully established by the testimony of the most respectable witnesses; and so fully satisfied the court and the district attorney, of the honor and integrity of the said paymaster, that they recommended the bill to pass.

IN SENATE OF THE UNITED STATES.

JUNE 5, 1840.

Ordered to be printed.

Mr. WALL, made the following

REPORT :

[To accompany bill H. R. No. 84.]

Committee on the Judiciary, to whom was referred House bill (No. 84) entitled "An act for the relief of William Saunders and William R. Porter, sureties of William Estis, late paymaster of the fourth regiment of Virginia troops stationed at Norfolk during the last war," report :

That it appears, by the report of the Committee on the Judiciary of the House of Representatives, and the other papers which accompany the said bill, that William Saunders and William R. Porter, with others, in the month of August, 1814, became sureties of William Estis, as paymaster of the fourth Virginia regiment, then stationed at Norfolk. That, during the war, the Government was frequently without the means of advancing money to pay off the troops at the time that their pay became due, from the want of timely appropriations by Congress, or other causes. That Estis, as paymaster, made advances of money raised on his own notes and other securities, over and above the funds furnished by the Government for the purpose, to the amount of \$8,790 94; and subsequently he made an estimate of the balance necessary to pay off the arrearages due to the regiment, which, in addition to the sum so advanced by him, amounted to \$6,141 94. On the 20th of March, 1816, the said William Estis received \$14,900, as appears by his receipt of that date, being \$32 68 less than the estimate he had previously made; and on account of such estimate and a previous receipt given by him for \$6,141 94, was not charged against him, it appears that he had to have been given in anticipation of a payment to be made to him. At the time, the war had closed, the fourth Virginia regiment had been disbanded, and, of course, dispersed, and the difficulty of payment had been greatly increased; nevertheless, it is evident, from the papers, that the said Estis made efforts to pay off the arrearages due the regiment, gave notices to that purpose, and, in some instances, did pay off entire companies, and, in others, did pay individuals, and, probably, paid as far as calls were made on him. It is perfectly clear, however, that he did not pay all the arrearages due to the regiment of which he was paymaster, as it appears that, from 1816 to 1828, application was made by divers officers and men of that regiment, for such arrearages, to the Treasury Department of the United States, and payment there was made to the amount of \$954 83. In the meantime, the said Estis, some time in 1818, became insolvent, and his papers

W. & Rives, printers.

Effect, by the mere fact of its not being promptly paid at the time it was

His duty was to pay it when received, and the bond was designed to secure such payment. Every one knows that money cannot be advanced by the Government until it is appropriated by Congress; and the pretext set up by the sureties is as destitute of foundation, in law or equity, as it would be dangerous in practice. It would render suretyship a solemn mockery.

The pretext appears to the committee to be particularly destitute of equity in this case. The sureties suffer judgment to pass against them by default: subsequently apply to Congress, and receive all the relief that they ventured to ask for. They are released from the payment of \$5,030 71, the sum really due from their principal, and \$52 10 costs on condition of paying \$954 83, and such further sums as the Government should be called on to pay over again; and now, after a lapse of nearly ten years, they are forward to be released from the balance upon an allegation that time, those competent to advise," have enlightened their ignorance, and refused to them a defence which goes to the whole merits of the claim on which the judgment was founded. The pretext set up as the foundation of their equity is, that the principle of "*res judicata*" loses its force, by the influence of time: and judgments obtained by the United States cease to be valid, even when recognised and solemnly sanctioned by the parties interested, whenever those "competent to advise" discover new grounds of defence.

The committee are of opinion that there is neither law nor equity disclosed in the petition and accompanying papers, for the relief which the petitioners have prayed for in their petition, and which is granted by the bill introduced to them. The Government paid the sum, from which they seek to be exonerated, legally to their principal. He was bound to pay it over to those who were rightly entitled to it. He failed to do so, and the Government have paid it a second time to those entitled to it, and they have a right to enforce their judgment against the sureties, to secure them from the consequences of the default of their principal.

The committee therefore respectfully report that the said bill ought not to pass.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Report from the Secretary of War, in compliance with a resolution of the Senate, in relation to the sale or exchange of Government drafts for bank-notes.

JUNE 5, 1840.

Read, and ordered to be printed.

to the Senate of the United States :

In compliance with the resolution of the Senate of the 30th December, 1839, I communicate the report of the Secretary of War, containing the information called for by that resolution, as far as it relates to the department under his charge.

WASHINGTON, *June 5, 1840.*

M. VAN BUREN.

WAR DEPARTMENT, *June 4, 1840.*

SIR : I have the honor to transmit, herewith, the reports of the several chiefs of this department, furnishing all the information in their power, in answer to a resolution of the Senate, dated the 30th of December, 1839, requesting the President to cause to be communicated to the Senate, the manner in which the public funds of all descriptions have been paid out by different disbursing officers and agents during the years 1838 and 1839.

Very respectfully, your most obedient servant,

J. R. POINSETT.

THE PRESIDENT *of the United States.*

COMMISSARY GENERAL'S OFFICE,
Philadelphia, January 13, 1840.

SIR : In obedience to the resolution of the Senate of the United States, of December 30, 1839, the Commissary General of Purchases reports : That he has not at any time during the years 1838 and 1839 (or during any other period), sold or exchanged the Government funds or his own funds on the Government for paper-money of the following (or any other) descriptions :

& Rives, printers.

1. Bank-notes of the late Bank of the United States, and especially of less denomination than twenty dollars.

2. Bank-notes of the present Bank of the United States, and notes of a less denomination than twenty dollars.

3. Post-notes of the present Bank of the United States, and especially of such notes of a less denomination than one hundred dollars, and of less denomination than twenty dollars, and which had been made good more than sixty days after date, or which were not due, or which had been altered by the pen.

Respectfully submitted.

C. IRVINE,
Commissary General of Purchase.

Hon. J. R. POINSETT,
Secretary of War.

OFFICE OF COM. GEN. OF SUBSISTENCE,
Washington, May 1st, 1840.

SIR: Immediately upon receipt of the resolution of the Senate of the 30th of December, 1839, a circular was prepared and forwarded to the disbursing officer of this department, requiring them to state, with reference to the manner in which they had paid out Government funds, of the several departments, during the years 1838 and 1839.

Some fifty of those officers, including all the principal disbursing officers, have sent in their statements. It affords me much satisfaction to learn from those statements, that no officer has sold or exchanged Government drafts, or other Government funds, or drafts on the Government, for bank-notes of the late Bank of the United States, or bank-notes of the present Bank of the United States, or post-notes of the present Bank of the United States; and they further state that they have invariably paid out the Government funds either in specie or its equivalent.

Very respectfully, your most obedient servant,

J. H. HODGINS,
Acting Com. Gen. Su.

Hon. J. R. POINSETT,
Secretary of War.

ORDNANCE OFFICE, *March 1st, 1840.*

SIR: In reply to the queries contained in a resolution of the Senate of the United States of 30th December, 1839, in relation to the sale of Government drafts or other Government funds, or drafts of officers on the Government, for bank-notes, &c., of the late Bank of the United States, bank-notes, &c., of the present Bank of the United States, or post-notes, &c., of the present Bank of the United States, I have the honor to state that it appears, from the information received from the disbursing officers and agents of this department, that no such changes, as set forth in said resolution, have been made.

I have the honor to be, sir, respectfully, your obedient servant,

G. TALCOTT,
Lieut. Col. of O.

Hon. J. R. POINSETT, *Secretary of War.*

BUREAU OF TOPOGRAPHICAL ENGINEERS,
Washington, May 9, 1840.

S: I have the honor of transmitting to you copies of the replies made by officers and agents disbursing under this bureau, during the years 1838 and 1839, to the several inquiries contained in a resolution of the Senate of the 30th December, 1839, calling for information in relation to the sale or exchange of Government drafts, or other Government funds, and notes of the late or present Bank of the United States of certain denominations therein named.

Very respectfully, sir, your obedient servant,

J. J. ABERT,
Col. Topog. Engineers.

Wm. J. R. POINSETT, *Secretary of War.*

WASHINGTON, *January 16, 1840.*

S: I have the honor to acknowledge the receipt of your circular, dated Washington, January 8, 1840, containing the resolve of the Senate of the United States of December 30, 1839.

In answer to which resolve, I state that I have never sold or exchanged Government drafts or other Government funds, during the years 1838 and 1839, for bank-notes of the late Bank of the United States; nor for the notes of the present Bank of the United States; nor for post-notes of the late Bank of the United States of any kind or denomination. I have never made drafts on the Government.

I have the honor to be, &c.,

A. CANFIELD, *Capt. Top. Eng.*

Wm. J. J. ABERT,
Commanding Topographical Engineers.

BALTIMORE, MD., *January 20, 1840.*

S: Your circular of the 8th instant reached me this morning, requesting me to report the practice I have pursued in disposing of Government drafts, and to answer queries 1, 2, and 3, of a resolve of the Senate of the United States of the 30th of December, 1839.

Government drafts, in my favor, have been on a bank of deposit or one of the receivers of the land offices; in the former case, it has been my practice to deposit the draft in the bank in which I was required to keep the public funds in my charge; in the latter, the amount has been drawn from the receiver and deposited as above. No other disposition of Government funds has ever been made by me.

In answer to each and all of queries 1, 2, and 3, of a resolve of the Senate of the 30th of December, 1839, I have to answer in the negative.

I have the honor to be, respectfully, your obedient servant,

R. C. TILGHMAN,
United States Agent & Engineer.

Wm. J. J. ABERT,
Topographical Bureau, Washington, D. C.

HYANNIS PORT, *January 20, 1840.*

SIR: I have received your circular of January 8, 1840, and hasten an answer, which is as follows, viz:

Since I entered upon the duties of superintendent of the Hyannis breaking, which was July, 1839, I here report the practice I have pursued in disposing of Government drafts, beyond which time I have no means of gaining a knowledge of the course that has been pursued by my predecessors.

Since July 1, 1839, I have received five United States drafts, amounting to an aggregate to \$5,923, payable at Boston; as the distance from this to Boston is about 100 miles, and the distance to the Barnstable Bank at Yarmouth (a specie-paying bank) 7 miles, I exchanged the above-named drafts at par for the bills of the beforenamed bank; all of which have been for Government service, with the exception of \$295 45, which are in my hands.

In answer to queries Nos. 1, 2, and 3, I would state that I have had no business transactions with, exchanged no Government drafts, nor received notes, or post-notes, of the late or present United States Bank since I have been an agent.

Yours, &c.,

DANIEL BASSET,
United States Agent.

F. J. J. ABERT,

Topographical Engineers, Washington City.

SOUTH YARMOUTH, 1st mo. (*January*) 24, 1840.

SPECTED FRIEND: In compliance with a circular of the 8th instant, received last evening, containing a resolution of the Senate of the United States of the 30th December, 1839, requesting a statement of the practice adopted in disposing of Government drafts, and answers to queries 1, 2, & 3, in said resolve, I reply: That I have, for the time specified, exchanged such drafts as have come to me for notes of the Barnstable Bank, Yarmouth port, that being a *specie*-paying bank; therefore, give the following answers to the queries, viz:

1. I have in no instance exchanged the Government drafts, or any Government funds, for notes of any denomination of the late Bank of the United States.

2. I have in no instance exchanged for notes of any denomination of the present Bank of the United States.

3. I have in no instance exchanged for post-notes of any denomination of the present Bank of the United States.

Respectfully submitted.

DAVID K. AKIN

U. S. Agent for the improvement of Bass river, Mass.

F. J. J. ABERT,

of Topographical Engineers, Washington city.

BALTIMORE, *January 21, 1840.*

SIR: I acknowledge the receipt of a circular addressed to me, postmarked the 17th instant.

In answer to the inquiries made with respect to the Government drafts made by me as disbursing agent: All drafts were deposited in the Union Bank of Maryland to my credit, and I paid out on my check in favor of the mayor and city council, who are authorized by law to receive the moneys received by the corporation of Baltimore. And that I never did receive, directly or indirectly, any emolument for drafts that were received by me, only the $2\frac{1}{2}$ per cent. on my accounts for my services.

I am, respectfully, sir, your obedient servant,
WILLIAM

Col. J. J. ABERT,
Chief of the Bureau of Top. Engineers.

WEST RIVER, Tenn.
Jan.

SIR: I have to acknowledge the receipt of your circular, postmarked the 17th, enclosing sundry resolutions dated December 30, 1839, requesting the President to disburse officers and agents of the United States "who sold or exchanged Government drafts, or other Government own drafts on the Government, during the years 1838 at money of the following description:

"1. Bank-notes of the late Bank of the United States, of a less denomination than \$20.

"2. Bank-notes of the present Bank of the United States, of a less denomination than \$20.

"3. Post-notes of the present Bank of the United States, of any of such of a less denomination than \$100; also, of a less denomination than \$20, and which had been made payable at more than the date, or which were not due, or which had been altered &c.

In answer to the foregoing, I have the honor to state that I have not cashed any Government paper of any description (except bank-chests which were cashed *at par*), have issued in my favor, so far as I am concerned; and I am *positively* certain that I sold no Government funds.

The same remarks will apply to the year 1839, with the exception of a Treasury draft, on the *Louisville Savings Institution* for \$11,000, of which nearly \$8,000 was drawn by me *at par* for the redemption of the draft, in specie and Kentucky paper-money, which is still in deposit to my credit in that institution, application being made of the Cumberland river. All the money which the Louisville Savings Institution was disbursed on the afore-mentioned draft, and my accounts have been rendered to the department, and the whole of that sum; and my vouchers show the kind of money paid out.

Very respectfully, your obedient servant,
GEO. W.
Captain 1

Col. J. J. ABERT,
Corps of Topographical Engineers.

WILMINGTON, DEL., *January 21, 1840.*

SIR: I have the honor to acknowledge the receipt of a circular from you, accompanying a resolve of the Senate of the United States, of December 339.

Until the suspension of specie payments by the banks of this place, in my uniform practice had been to deposit to my credit, as United States agent, with one of the banks of this city, all drafts received by me for the Government, and they were collected by the bank. Since the suspension I have received two drafts on the collector of customs at Philadelphia, dated October 14, 1839, for \$500, and the other November 16, for \$500. I presented the first a few days after it was received at the custom-house, Philadelphia, for payment, and was informed that they were unable to pay any thing but the current Philadelphia bank-notes—their funds being exhausted at the banks, and they paying their officers with them to draw them out. A few days after the receipt of the second, I presented it for payment, and offered silver, which being inconvenient to remove to Wilmington, I was informed that a gentleman having duties to pay, had left authority to one of the officers of the custom-house to give his check (the check of the gentleman) on one of the banks of the city for the amount in exchange. He accepted the check, which was on the United States Bank of Pennsylvania, and received their notes in payment—none of a less sum than \$20; a five-dollar note, necessary to make the change, was given of the Union Bank of New York.

Very respectfully, sir, your obedient servant,

THOMAS YOUNG,
United States Agent.

L. J. J. ABERNETHY.

Bureau of Top. Engineers, Washington City.

WASHINGTON, *January 22, 1840.*

SIR: I have received the circular of the bureau, of the 8th instant, containing a resolve of the Senate of the United States, of the 30th December,

in reply, I have to state, that I never sold a Government draft, or Government funds, but always presented the Treasurer's draft to the officer from whom it was drawn, or at the bank where it was made payable. The only disbursements I made for the Government during the years 1838 and 1839, were for continuing the improvement of the harbor of Chicago, Illinois, for which purpose I received from the Treasurer of the United States four drafts, viz: one on the land office at La Porte, Indiana; one on the Farmers and Mechanics' Bank of Detroit, Michigan; two on the collector of customs at Philadelphia; all of which were cashed in the following manner: The draft on the receiver of public monies at La Porte, Indiana, was presented to him, and the amount was paid by me in the notes of the banks of that country, and specie. The amount of the draft on the Farmers and Mechanics' Bank at Detroit, was paid to me by that institution in its own notes. The two drafts on the collector of customs at Philadelphia, were paid to me by his checks on the Moyamensing Bank; the notes of which institution I received and deposited in the present Bank of the United States, taking certificates

In answer to the queries 1, 2, and 3, contained in that resolution, I have the honor to state that I have not received *any note whatever* of the Bank of the United States (either the late or present bank) in exchange for Government drafts, or other Government funds, or for drafts on the Government, or, in short, in any other way connected with my Government duties in the year 1838 or 1839.

And I remain, sir, with perfect respect, your obedient servant,
HENRY SMITH,
Gen. Superintendent Pub. Works, &c., Lake Erie.

Col. J. J. ABERT,
Chief Topographical Engineers.

GLOUCESTER, *January 22, 1840.*

SIR: The circular of the 8th instant I have just received, and in answer will say, that I have never received any United States Bank notes or Government drafts, nor have I ever, in any case, sold or exchanged a Government draft.

I have always presented them to those on whom they were drawn.

Very respectfully, &c.,

JOSIAH HASKELL, *Agent.*

J. ABERT,
Colonel Topographical Engineers.

KENNEBUNK PORT, MAINE, *January 22, 1840.*

SIR: I have the honor to acknowledge the receipt of your circular of the 8th instant, and hasten to answer it.

As to the practice I have pursued in disposing of Government drafts, I have invariably collected them of the banks on which they were drawn, and, with one exception, in their bills and specie. The Maine Bank, Portland, sometimes gave me bills of other banks in the vicinity and specie.

As I did not receive small bills, I generally asked from 25 to 36 per cent. in specie, and was never refused.

In answer to the several queries in the resolve of the Senate of the United States of December 30, 1839, I can say that I never sold or exchanged any Government funds of any description for bills or post-notes of the late or present Bank of the United States.

I have the honor to be, &c.,

JOSHUA HERRICK, *Agent.*

Col. J. J. ABERT,
Bureau of Topographical Engineers.

WASHINGTON CITY, *January 23, 1840.*

COLONEL: In answer to the communication or circular of the bureau, I have the honor to state that my practice has always been to send any draft which may have been forwarded to me to the bank upon which such draft

FAIRFIELD, *January 24, 1840.*

SIR: I deposited in the Connecticut Bank the balance due to Government, after deducting \$55 39, a balance due to Colonel Totten, in 1837, of \$270 13, received from the administrator of Thomas Bartram, late disbursing agent.

Also a Government draft of \$1,200, October 8, 1838 ;

Do. do. 3,625, December 20, 1838 ;

Do. do. 672, June 18, 1839.

The following were received, at times, when I was going to New York, and collected by myself, viz: \$1,300, October 26, 1838; \$2,332, November 26, 1838; \$2,323 90, September 26, 1839; \$97 10, October, 1839; and the money deposited in the Connecticut Bank immediately on my return, except the draft of \$2,323 90, it being the balance due both the contractors and myself, on fulfilling the contracts. I had previously received a letter from Mr. Seranton, at Madison, desiring that, if I had received the balance due him, I would either send him a check, or send him the money, from New York. Accordingly, I sent him the money from New York, by his brother, in such bills as would deposit in any of the Connecticut banks, retaining \$147, for an unsettled private account, due to me and the other contractor living here. Previous to that draft being received (which came to hand just as I was leaving for New York), I had engaged a loan of Messrs. Morhouse and the other contractors, for \$500, when the draft came on. I therefore paid them the balance due immediately on my return, in Connecticut money, without depositing that in Connecticut Bank, the bank being about three miles from this place. Thus I have paid the contractors, all in checks in Connecticut Bank, except in one instance, and that in Connecticut money, a part of which draft I borrowed of one, and a part due for private account with the other.

In answer to the queries Nos. 1, 2, and 3, of the resolve of the Senate of the United States, contained in your circular of the 8th of January, 1840, I have to state—

1. I have not exchanged Government drafts or funds for bank-notes of the late Bank of the United States of any denomination or amount, during the years 1838 and 1839.

2. I have not exchanged Government drafts or funds for bank-notes of the present Bank of the United States of any denomination or amount, during the same time.

3. I have not exchanged Government drafts or funds for post-notes of the present Bank of the United States, of any denomination or amount, payable at any date.

I am, very respectfully, your obedient servant,

SETH PERRY.

Col. J. J. ABERT,

Chief Topographical Engineers, Washington.

BRIDGEPORT, *January 24, 1840.*

SIR: Upon recurring to your circular of the 8th instant, January, which was not before me at the date of my last letter, I find the inquiry is, whether I have sold or exchanged Treasury drafts, &c., for paper of the late or present Bank of the United States.

WASHINGTON, *January 25, 1840.*

SIR: In reply to the resolve of the Senate of the United States of the 30th December, 1839, I have to say *I never* "sold or exchanged the Government drafts, or other Government funds, or drafts on the Government, during the years 1838 and 1839, for paper-money of the following descriptions:

"1. Bank-notes of the late Bank of the United States; and especially notes of a less denomination than \$20.

"2. Bank-notes of the present Bank of the United States; and especially notes of a less denomination than \$20.

"3. Post-notes of the present Bank of the United States; and especially any of such notes of a less denomination than one hundred dollars; also, notes of a less denomination than twenty dollars, and which had been made payable at more than sixty days after date, or which were not due, or which had been altered by the pen."

My practice has been to present them for payment to the officer upon whom they are drawn; or, when he was not within reach, to deposit them with other funds in the bank most convenient, without selling or exchanging them.

With great respect, your obedient servant,

ROBT. M. McLANE,

Lt. Corps Top. Engineers.

J. J. ABERT,

Col. Top. Engineers.

SAVANNAH, *January 25, 1840.*

SIR: I have the honor to acknowledge the receipt of your communication, with a resolution of the Senate of the United States, of the 30th December, 1839; and, in reply to the questions asked, I have to say that I have had no transactions whatever with the Bank of the United States during the years 1838 and 1839.

I am, sir, very respectfully, your obedient servant,

J. MACKAY,

Captain Corps Top. Engineers.

Col. J. J. ABERT,

Col. Top. Engineers.

BURLINGTON, *January 26, 1840.*

SIR: I have the honor to acknowledge the receipt of your circular requesting me to report the practice pursued in the disposition of Government drafts forwarded to me for disbursement.

For security, as well as convenience, I have made my deposits in the bank of Burlington; one of the soundest moneyed institutions in the United States. They have received *at par* the Government drafts transmitted to me, and have, at all times, furnished me with *specie*, when required so to do.

GLASTONBURY, *January 27, 1840.*

SIR: Your letter, accompanied by a resolve of the Senate of the United States of the 30th of December, 1839, is received, and I have the honor to state, in reply thereto, that the Government drafts which I have received as disbursing agent have, in no instance, been *sold* or *exchanged* for paper-money of the *late* or *present* Bank of the United States of any description whatsoever.

I am, sir, your obedient servant,

A. TALCOTT.

Colonel J. J. ABERT,
Chief Topographical Engineer.

PROVINCETOWN, *January 27, 1840.*

SIR: Your circular of the 8th instant has been received. There were no expenditures for the work under my charge during the year 1838; consequently, I did not receive any draft for funds during that year. For the expenditures in 1839, I received a draft on the collector at Boston, who gave me a check on the Merchants' Bank, Boston, where I received the amount of my draft.

Very respectfully, &c.,

ASA S. BOWLY,
U. S. Agent at Provincetown, Mass.

Colonel J. J. ABERT,
Chief of Bureau of Top. Eng., Washington city.

PLATTSBURG, *January 27, 1840.*

SIR: According to request, I give the following statement: All the monies and drafts I have received for disbursing uses I have exchanged at the Whitehall Safety Fund Bank, except the last (\$538) draft, which I sold to Messrs. Thurman & Martin for silver coin; and have paid for labor in the use of the Whitehall Bank in almost all cases, except the last draft—and as I paid out as occasion required.

Very respectfully, &c.,

ELIJAH BOYNTON,
United States Agent.

Colonel J. J. ABERT,
Top. Eng., Washington city.

ESSEX, SAYBROOK, *January 27, 1840.*

DEAR SIR: Yours of the 17th instant has been received by me, calling me for a report of the practice I have pursued in disposing of Government drafts, and to answer queries 1, 2, and 3, of the resolution of the Senate of the United States.

I would here state, in reply to these interrogatories, that I have never disposed of any of the drafts sent to me by the Treasurer of the United

States for any of the bank-notes of the late United States; the bank-notes of the present Bank of the United States; post-notes of the present Bank of the United States; neither directly, nor indirectly, in any of my transactions for the Government to do with the paper of the above-named institutions.

I remain, very respectfully, your obedient servant

R. P. W.
United States

Colonel J. J. ABERT,
Chief Topographical Engineer.

PUBLIC WORKS AT MOUTH OF GRAND RIVER
J. J. ABERT

SIR: I have the honor to acknowledge the receipt of your communication of the 8th instant, with the accompanying "resolution of the United States of the 30th of December, 1839."

In answer to queries Nos. 1, 2, and 3, I have to state that I have exchanged a Treasury draft for notes of the Bank of the United States of the same denomination. My uniform practice is, to give them to the holder of the draft. The amount of the draft is placed to my credit, and my disbursements are made by checks on said bank.

I am, sir, very respectfully, your obedient servant

J. J. ABERT
United States

Colonel J. J. ABERT,
Chief Top. Engr., Washington, D. C.

LITTLE COMPTON, J. J. ABERT

SIR: In answer to inquiries made in your circular of the 10th instant, I would inform you the practice I have pursued in disposing of Treasury drafts has been, to negotiate them at the nearest specie bank for their bills or specie.

And in no case have I received bills on the late Bank of the United States, neither have I ever received any of the bills or post-notes of the present Bank of the United States.

Very respectfully, &c.,

EZR

Colonel J. J. ABERT,
Topographical Engineers, Washington.

porting Company's Bank located in this place, and I have usually paid for materials and labor, &c., for constructing said harbor, in checks on the bank.

In reply to the resolution of the Senate of the United States of December 1839, calling on disbursing officers, &c., to ascertain from them whether they have sold or exchanged the Government drafts, or other Government funds, or their own drafts on the Government during the years 1838 and 1839, for paper-money of the following description: [Queries No. 1, and 3.] I have to say, I have not received any.

All of which, &c.,

A. DART,
Agent United States Works, Conneaut.

Colonel J. J. ABERT,
of Topographical Engineers.

JACKSONVILLE, *East Florida, January 29, 1840.*

SIR: I have to acknowledge the receipt of general orders, Nos. 51, 62, and 67, issued from the Adjutant General's office, and also of your circular 8th January.

In answer to the information called for by the resolve of the Senate of the United States of the 30th December, 1839, I have to say that I have never any time "sold or exchanged Government drafts or other Government funds, or my own drafts on the Government," for "bank-notes of the late bank, or of the present Bank of the United States," or for "post-notes of the present Bank of the United States."

I am, sir, very respectfully, your obedient servant,

J. K. SIMPSON,
1st Lieut. U. S. Topographical Eng'rs.

Colonel J. J. ABERT,
Chief Topographical Engineer, Washington.

FORT PULASKI, *Georgia, January 30, 1840.*

SIR: I have the honor to acknowledge the receipt of the circular from Bureau of Topographical Engineers, under date 8th instant.

During the time that I disbursed the funds of the Savannah river improvements, I invariably deposited the Treasury drafts (the only form which I ever received Government drafts) in the Planters' Bank, Savannah, a bank well-established in its character for soundness, and at all times paying specie, and drew upon those deposits by checks. I never as a Government creditor in any other way than by said checks, and I never "sold or exchanged" Government funds for paper-money of any of the following descriptions:

1. Bank-notes of the late Bank of the United States, of any denomination whatever.

2. Bank-notes of the present Bank of the United States, of any denomination whatever.

at Bank of the United States of any of the different denominations, as
 forth in each of the said resolves.

Respectfully, I have the honor to remain, sir, your obedient servant,
T. B. W. STOCKTON,
United States Agent.

J. J. ABERT, Topographical Engineer,
U. S. Army, Washington city, D. C.

IRVING, *January 31, 1840.*

Sir: I have the honor to acknowledge the receipt of your circular of
 the 18th instant, making inquiries in relation to the manner in which I have
 disposed of the Government drafts which have been remitted to me, and
 particularly, whether I have at any time disposed of any Government drafts
 or notes of the Bank of the United States.

I have the honor to state, in reply, that on the 1st of October, 1838,
 when I was disbursing for the mound or seawall at Buffalo, I received a
 Treasury draft for \$3,000 on the Branch Bank of the United States at Erie,
 Pennsylvania. This draft I placed on deposit in the Commercial Bank of
 Buffalo, and the amount was disbursed in notes of that institution. Since
 that period, I have had no dealings of any kind whatever with the Bank of
 the United States, or in relation to its notes of any description, old or new.
 My practice in relation to Government drafts which I receive, and which
 are either on the collector or some bank in the city of New York, is, to
 have them placed to my credit in the Bank of America, and to draw for
 the amount as required in the progress of the work under my charge.

I have the honor to be,

T. S. BROWN,
U. S. Agent, Irving, New York.

J. J. ABERT, Chief Topographical Engineer
Washington City, D. C.

ROCHESTER, *January 31, 1840.*

Sir: Your circular of the 8th instant, in relation to the disposition of
 Government drafts by disbursing officers, agents, &c., with the accompany-
 ing resolution of the Senate of the United States, was this day received;
 in conformity with your instructions to report my practice, I have the
 honor to state, that I have in every instance disposed of Government drafts
 for bills of specie-paying banks.

In reply to queries 1, 2, and 3, of the resolve, I have to say, that I never
 exchanged a Government draft, or my own draft on the Govern-
 ment for bank-notes or post-notes of the late Bank of the United States, or
 of the present Bank of the United States, of any denomination or description
 whatever.

Very respectfully, your obedient servant,

CHARLES W. REES,
United States Agent

J. J. ABERT, Bureau Top. Engineers.

f the late Bank of the United States, or of the present Bank of the United States, or post-notes of the present Bank of the United States.

Most respectfully, &c.,

J. W. GUNNISON,
Lieut. Col. of Topographical Engineers.

Colonel J. J. ABERT,
Chief Topographical Engineer.

HURON, OHIO, *February 1, 1840.*

SIR: Your circular of the 8th instant is at hand. In answer to the queries therein, I have to inform you that I have not exchanged Government drafts, or my own drafts on the Government, for any description of paper issued by the late Bank of the United States, or of the present Bank of the United States.

Very, respectfully, your obedient servant,

JOHN B. WILBOR,
United States Agent.

Colonel J. J. ABERT,
Chief Top. Engineer, Washington City, D. C.

CLEVELAND, OHIO, *February 2, 1840.*

SIR: On my return, after an absence of a few days, I found on my table a circular from your bureau, of date January 8, which I hasten to answer.

When I entered upon the duties of my office as a disbursing agent of the United States, on the 1st of October, 1838, I was unable to make an arrangement with the banks in this city, by which they would receive and convert into *current funds* all Government drafts which might come into my hands. I subsequently made an arrangement with the "Cleveland Insurance Company" to that effect.

My practice has invariably been to receive and disburse such funds only as were current and bankable in this city. The Treasury drafts which I have received have been on receivers, collectors, and banks, in different sections of the Union, which rendered it impossible for me to convert them into specie, without much expense, which, I was advised by the department, could not be allowed me.

In reply to queries 1, 2, and 3, of the resolution of the Senate, I have only to say that I have never received or disbursed a dollar of the paper of either the late or present Bank of the United States, of any denomination whatever.

Very respectfully,

HY. H. DODGE,
United States Agent.

J. J. ABERT, *Col. Topographical Engineers.*

To the inquiry, "whether [they] I have sold or exchanged the Government drafts or other Government funds, or [their] my own drafts on Government during the years 1838 and 1839, for paper-money of the following descriptions :

1. Bank-notes of the late Bank of the United States, and especially notes of less denomination than \$20 ;
2. Bank-notes of the present Bank of the United States, and especially notes of less denomination than \$20 ;
3. Post-notes of the present Bank of the United States, and especially of such notes of a less denomination than \$100 ; also, of a less denomination than \$20, and which had been made payable at more than sixty days after date, or which were not due, or which had been altered - the pen ;"

I reply that I have not sold or exchanged Government drafts, Government funds, or my own drafts on the Government for any of the different descriptions of paper-money specified in the abovenamed resolution of the Senate of the United States.

Very respectfully, your obedient servant,

J. W. JUDSON,

U. S Agent, &c.

Col. J. J. ABERT,

Chief Top. Eng., Washington, D. C.

ASHTABULA, *February 6, 1840.*

SIR : Your circular, dated 8th January last, accompanying a resolution of the Senate, passed 30th December, 1839, is received.

In reply to the queries embraced in that resolution, I will state in general terms, that I have not exchanged the Government drafts during the years 1838 and 1839, for the paper of either the late or the present Bank of the United States, except as will be expressed below.

It has been my practice to exchange the drafts with Ohio banks for their own paper and specie, or with individuals for miscellaneous current bank paper and specie. It is probably the fact that a small amount, in notes of the present United States bank, of a less denomination than twenty dollars, has been received and used with such promiscuous funds were taken in exchange from individuals, but I cannot satisfactorily state any particular quantity.

Very respectfully, &c.,

MATTHEW HUBBARD, *Agent.*

Col. J. J. ABERT,

Chief Top. Engineer.

MILWAUKIE, WISCONSIN TERRITORY,

February 9, 1840.

SIR : I have the honor to acknowledge the receipt of your circular letter of the 8th ultimo, and in reply thereto, to state that, within the period embraced by the resolution of the Senate of the United States, I have re-

I have the honor to be, sir, very respectful
servant,

HOWARD :
First Lieut

Col. J. J. ABERT,
Corps Topographical Engineers,
United States Army.

MILWAUKIE, WISKO

SIR: I have the honor to acknowledge the
January, 1840, from the Bureau of Topograph
panied by a resolve of the Senate of the United
ber, 1839.

In reply to queries 1, 2, and 3, of the reso
say that I have not sold, or exchanged, the Go
Government funds, or my own drafts on the Gove
1838 and 1839 (or during any other year), for p
money), as specified in queries 1, 2, and 3, of sa

In answer to that part of the circular which
practice which I have pursued in disposing of G
the honor to reply, that the only Government dr
have been drawn upon the Branch Bank, Illin
the receiver of public moneys, at Milwaukie, Wis.
drafts have been presented by myself at the ban
nothing but specie, or its equivalent, received: a
have been received for the drafts have been uni
and at the same *rates* at which the said funds ha

I am, &c.,

state, that I never disposed of drafts forwarded to me when disbursing public money on account of the works under my charge in North Carolina, but carried out the agreement made by my predecessor with the late Bank of North Carolina "to deposite the drafts in that bank, and, in return, to furnish me with such funds as I might require."

I have the honor to be, very respectfully, your obedient servant,
J. McCLELLAN, *Capt. Top. Engineers.*

Col. J. J. ABERT,
United States Top. Engineers.

FORT PRESTON, M. FLORIDA, *March 4, 1840.*

SIR: I have the honor to acknowledge the receipt of your communication concerning "Government drafts," and to say, in answer, that all the public funds I have received I have deposited in the most convenient banks, and given checks on those banks in payment of bills against Government.

I am, sir, very respectfully, your obedient servant,
WM. H. WARNER,
2d Lieut. Top. Engineers.

Col. J. J. ABERT,
U. S. Top. Engineers, Washington, D. C.

PLATTSBURG, N. Y., *March 9, 1840.*

SIR: Your circular of the 8th January last, by some mistake of the mails, did not reach me until yesterday.

In reply, I have to state, that I never "sold or exchanged the Government drafts or other Government funds, or my own drafts on Government, during the years 1838 and 1839, for paper-money of the following descriptions:

- "1. Bank-notes of the late Bank of the United States, of any description.
- "2. Bank-notes of the present Bank of the United States, of any description.
- "3. Post-notes of the present Bank of the United States, of any description."

Very respectfully, your obedient servant,
CHAS. M. WESTON,
Agent for the imp't harb. Plattsburg.

Col. J. J. ABERT,
Chief Topographical Engineer.

OFFICE PUBLIC WORKS,
Chicago Harbor, Illinois, April 19, 1840.

SIR: I have the honor to state, in answer to queries 1, 2, and 3, of the Senate resolution, dated 30th December, 1839, and which are contained in your circular, dated 8th January, 1840, that I have never sold any

1840, and to learn also that one (never received
me on the 8th January last. In reply to this
my disbursements have been made in the not
county, N. Y., the favorite currency of those p
Very respectfully, sir, your obedient servant

12

Col. J. J. ABERT,
Commanding Top. Engineers.

PAYMASTER

SIR: In compliance with your instructions
each of the disbursing officers of the Pay Dep
uary, 1840, containing a copy of the resolution
of December, 1839, relating to the sale or exch
for notes of the late, or of the present Bank of
structed them, as soon as practicable, to furnis
so far as the inquiry related to their official tra
answers from all, except Paymaster De Russy,
toches, on the Red river. The mails to that p
the paymaster may have been absent on a tou
district when my letter arrived, which would
lay in hearing from him. I have written to hi
as soon as his answer is received it will be co

I have the honor herewith to submit copies
Respectfully, your obedient servant,

Hon. J. R. POINSETT,
Secretary of War.

~~For~~ Government funds, or my own drafts on the Government, during years 1838 and 1839," for paper-money of the description embraced in resolution of the Senate of the 30th ultimo.

I am, very respectfully, your most obedient servant,

CHAS. H. SMITH,
Paymaster U. S. A.

~~Gen.~~ N. TOWSON, Paymaster General
U. S. Army, Washington City, D. C.

~~Copy~~ of a letter from Marcus C. Buck, late acting paymaster United States army, to the Paymaster General.

WASHINGTON ARSENAL,
January 13, 1840.

~~SIR~~: Your letter of the 11th instant, directing me to furnish information called for by resolutions of the Senate dated December 30, 1839, has been received.

I have never "sold or changed the Government drafts or other Government funds, nor my own drafts on the Government, for bank-notes of the Bank of the United States, for bank-notes of the present Bank of the United States, nor for post-notes of the present Bank of the United States," any description whatever.

I am, most respectfully, your obedient servant, &c.,

MARCUS C. BUCK,
Late Paymaster U. S. Army.

~~Gen.~~ N. TOWSON, Paymaster General
U. S. Army, Washington, D. C.

~~Copy~~ of a letter from Captain John C. Casey, late acting paymaster to the Paymaster General.

NEW YORK CITY, January 15, 1840.

~~SIR~~: I have the honor to acknowledge the receipt of your "circular" of 11th instant, containing the Senate resolutions of 30th December last.

In reply I have to report, that about the 26th, 27th, and 28th of February, 1838, I received through Captain Grayson, assistant paymaster in New Orleans, a large amount of Treasury notes, say \$150,000.

The notes were generally of a large denomination. Specie was at a high premium, and I sold to Messrs. Palfrey & Co., brokers, New Orleans, as follows:

6 per cent. Treasury notes	-	-	-	-	\$81,000
2 per cent. do.	-	-	-	-	45,000
					<hr/> 126,000

~~Receiving~~ in exchange:

One fourth in specie	-	-	-	-	\$31,500
Old U. S. Bank-notes	-	-	-	-	40,000
City and Orleans banks	-	-	-	-	54,500
					<hr/> 126,000

bank-notes of the late Bank of the United States, or of the present Bank of the United States, of any denomination ; nor for post-notes of the present Bank of the United States of any denomination whatsoever.

I am, very respectfully, sir, your obedient servant,

THOS. J. LESLIE,
Paymaster U. S. Army.

Brig. Gen. N. Towson,
Paymaster General, Washington, D. C.

Copy of a letter from Major D. S. Townsend, paymaster United States army, to the Paymaster General.

Boston, *January 17, 1840.*

SIR: Your communication dated on the 11th of January, 1840, accompanied by a copy of a resolve of the Senate of the United States, has this been received.

In answer to the inquiries therein contained, I have the honor to state, "I have not, during the years 1838 and 1839, in any one instance sold or exchanged the Government drafts, or other Government funds, for my own drafts on the Government," for bank-notes of the late or present Bank of the United States, or for post-notes of the present Bank of the United States, or any other United States Bank paper.

With great respect, your obedient servant,

D. S. TOWNSEND, *Paymaster.*

Brig. Gen. N. Towson, *Paymaster General.*

Copy of a letter from Major P. Muhlenberg, paymaster United States army, to the Paymaster General.

ARMY PAY OFFICE,

Savannah, Ga., January 18, 1840.

SIR: I have to acknowledge the receipt of yours of the 11th instant, and a resolution of the Senate of December 30, 1839, requesting answers to certain inquiries, &c., to which I furnish the following information: To the first inquiry, I must say, that I have not sold or exchanged Government drafts, or other Government funds, for bank-notes of the late Bank of the United States.

In reply to the second, that I have received the following Treasury drafts, and disposed of them as follows:

Draft No. 5,841, dated November 2, 1838, drawn to my order on the collector of customs, Charleston, South Carolina, for \$10,000.

Draft No. 3,632, dated November 26, 1838, drawn to my order on the United States Bank of Pennsylvania, and payable at the Insurance Bank, Columbus, Georgia, for \$20,000.

Draft No. 6,841, dated January 23, 1839, drawn in my favor on the United States Bank of Pennsylvania, and payable at the Bank of Charleston, South Carolina, for \$25,000, which amounts were received from the

DET

GENERAL: I have the honor to acknowledge mail of your letter of the 11th ultimo, appended the Senate under date of December 30, 1839.

In answer to those inquiries, I have to state knowledge during my connexion with the pay changed Government drafts, or funds, or my payment, for paper of the Bank of the United States years 1838 and 1839.

I am, sir, very respectfully, your most obedient
BENJAMIN F.

Brig. Gen. N. Towson, *Paymaster General*

*Copy of a letter from Major A. A. Massias,
army, to the Paymaster General*

PAY DEPARTMENT
New Orleans

SIR: I have the honor to acknowledge the receipt of your letter of the 11th ultimo, to which is affixed the resolution of the United States, under date of December 30, 1839.

In reply to the several inquiries, I have to state that I have not exchanged Government drafts, or other Government drafts on the Government, for either or any description of the paper-money referred to in said resolution of

I am, sir, very respectfully, your obedient

Brig. General N. Towson,

exchange, "by disbursing officers, or agents," of Government drafts, &c., requiring from me the information called for by said resolutions, "so as they relate to my official transactions." In reply, I distinctly state, that I have never, in any of my official transactions, sold or exchanged the Government drafts, or other Government funds, or my own drafts on the Government, for paper-money of the description set forth in those resolutions.

I am, sir, very respectfully, your obedient servant,

EUGENE VAN NESS,
Late Additional Paymaster U. S. A.

General N. Towson,
Paymaster General.

Copy of a letter from Colonel Christopher Andrews, paymaster United States army, to the Paymaster General.

ST. AUGUSTINE, E. FLORIDA,
January 24, 1840.

SIR: In reply to the annexed resolution of the Senate of the United States, I have to make the following statement:

1st. I have neither sold nor exchanged Government drafts, &c., for notes of any denomination of the late Bank of United States.

2d. On the 9th of December, 1838, at Black creek, East Florida, I exchanged a Government draft for \$38,000 with Major John S. Lytle, late paymaster, by taking \$18,000 in notes of the United States Bank of Pennsylvania, and his receipts for \$20,000: the notes were 20s and 10s, but how many of each denomination I do not now remember. They were disbursed by me very soon after. This was at the time the bank paid part of its debt to the United States, and we were authorized to receive and pay notes.

3d. I have never had, nor seen, post-notes of this bank. I have never sold the Government drafts received by me as a disbursing officer, but have either placed them on deposit to my credit in the Bank of America, New York, or exchanged them with the Planters and Mechanics' Bank of South Carolina, for such funds, including a large proportion of gold and silver, as were suitable for paying the troops.

I am, very respectfully, sir, your obedient servant,

CHRISTOPHER ANDREWS,
Paymaster, U. S. Army.

General N. Towson,
Paymaster General, U. S. Army, Washington.

Copy of a letter from R. D. A. Wade, late acting paymaster United States army, to the Paymaster General.

HARTFORD, CONN., January 25, 1840.

SIR: In reply to the several inquiries made by the honorable Senate, I would most respectfully inform you, that I never sold a Government draft,

nor paid out any money officially (while acting as acting paymaster) such funds as were furnished by your department.

I am, sir, with much respect, your obedient humble servant,

R. D. A. WADE.

*First Lieutenant Third A.
Late Acting Paymaster U. S. Army.*

General Towson.

Copy of a letter from Major Daniel Randall, paymaster U. S. Army, to the Paymaster General.

GAREY'S FERRY, F.A., January 1st, 1840.

SIR: In reply to your circular of the 11th instant, containing the resolutions of the Senate of the United States in relation to the sale of Government drafts, and other Government funds, for notes of the United States, I answer the three queries therein contained as follows: First, that I have deposited, in the United States Bank, in the years 1838 and 1839, a Treasury draft received by me on that bank, and that the amount was checked for public service required; and that I also deposited, in the same bank, the amount of \$10,000, which I had received from the Treasury, and checked the amount out in the same manner, a Treasury draft for \$10,000, at Philadelphia. Each of these Government drafts I have deposited for \$10,000; but, not having my accounts and papers with me, I cannot give a more explicit description of them.

I have the honor to be, very respectfully, your obedient servant,

D. RANDALL.

Paymaster United States Army.

General Towson,
Paymaster General U. S. Army.

Copy of a letter from Major T. P. Andrews, paymaster U. S. Army, to the Paymaster General.

FORT HEILMAN, F.A., January 1st, 1840.

GENERAL: In answer to the resolutions of the Senate of the United States, passed on the 30th day of December, 1839, and your letter thereto dated the 11th instant, which I this day received, I respectfully inform you that, within the period mentioned, I have had no transactions with either of the late Bank of the United States or the present Bank of the United States, or post-notes of either, of any denomination, or any other paper, which those resolutions could have reference to.

With high respect, I have the honor to be, your obedient servant,

T. P. ANDREWS.

Paymaster United States Army.

General N. Towson,
Paymaster General U. S. Army.

y of a letter from Major Edmund Kirby, paymaster United States army, to the Paymaster General.

PAY OFFICE, BROWNVILLE,
January 29, 1840.

R : In reply to your circular of the 11th instant, calling for certain information, under a resolution of the Senate of the 30th December, 1839, in regard to the use of notes of the Bank of the United States, I have the honor to report, that, on the 7th December, 1833, under your instructions of the 10th October, I transferred my official account from the branch of the United States Bank at New York to the Bank of America, where I have kept it to the present time.

During the negotiation of a Treasury warrant upon the United States Bank at St. Louis, in October, 1834, in making certain payments to troops in Missouri, I have had no transactions whatever with the Bank of the United States, or any of its branches, since the transfer of my account in 1833.

Very respectfully, your obedient servant,

E. KIRBY, *Paymaster.*

Major Gen. N. Towson,
Paymaster General.

y of a letter from Captain Richard Bennett, additional paymaster United States army, to the Paymaster General.

WASHINGTON CITY, January 30, 1840.

R : Your letter of the 11th instant, transmitting to me a resolution of the Senate of the 30th December last, and requiring me to furnish the information called for by that resolution, came to hand this day, and I have the honor to state, that, being authorized to make such exchanges as would be most satisfactory to the troops, in order to effect my payments, I did, on the 29th September, 1838, procure from J. L. Roberts, Esq., at Fort Cass, Tennessee, the sum of \$16,000 of the notes issued by the present Pennsylvania Bank of the United States, for which I gave my checks *at par* on the Bank of America, New York, as it was utterly impracticable for me to make payments to the troops, not being able at that time to obtain Treasury notes, and very little specie could be had there.

I received, also, at par, for my check on the same bank, from the same gentleman, J. L. Roberts, Esq., on the 3d of October following, at Fort Cass, Tennessee, the further sum of \$16,000, in notes of the Pennsylvania Bank of the United States, to enable me to complete the payments then to be made.

Mr. Roberts brought with him letters of introduction from the acting Secretary of War (to General Scott, I believe), as well as to several disbursing officers then stationed there. When these exchanges were made, other disbursing officers at that place were under the necessity of making similar arrangements with him to effect their payments. The officers and men seemed much pleased with that kind of funds, as it was considered the best bank paper in circulation at that time.

The denominations of the notes were \$100, \$50, \$20; a (amount not recollected) were, from necessity, used, as such change could not be procured, and the payments were not made speedily, as the troops were about to depart from the country in different directions. I obtained from Charles J. Nourse, Cass, Tennessee, on the 22d November, 1838, the sum of \$ check on the Bank of America, at par. The funds received notes on the Pennsylvania Bank of the United States. I like in November, 1838, from Captain John Page, agent for the Cherokee Indians, at Fort Cass, the sum of \$20,000 in notes of the United States, that sum having been paid by me to Camonton, disbursing agent for the Indian Department, on the 1838, by direction of General W. Scott, to aid him to pay the Indians who were about starting for Arkansas, and for which I refunded to me by Captain Page.

On the 24th June, 1839, I obtained, at par, \$20,000 of the Pennsylvania Bank of the United States from James Hunt, Savannah, Georgia (for which I gave my check on the Bank of New York), for the accommodation of the troops in Florida, and men expressed a desire to be paid in that kind of funds considered better than any other bank paper circulating in the south.

These were the only exchanges that I recollect having made on that bank, excepting a few times in Florida in May last, made some exchanges by procuring small amounts of the notes of the United States Bank for officers and discharged soldiers, who were going in different directions, and who generally preferred that to travel with; the exact sums, nor the persons generally retained, I do not recollect, but these exchanges were always made.

I have no knowledge of ever having received any of the notes issued by the Bank of the United States now in existence, or of the Bank of the United States.

Very respectfully, your obedient servant,

RICHARD BENN

Adtl. Paymaster United States Army.

General N. Towson,

Paymaster General.

Copy of a letter from Major Charles Mapes, paymaster of the army, to the Paymaster General.

PAYMASTER'S OFFICE
Tallahassee, February 1839.

GENERAL: In answer to the inquiries made pursuant to a resolution of the Senate on the 30th December, 1839, I have the honor to say that I have never sold nor exchanged any draft or other Government paper of the description of notes mentioned in said resolutions.

Having been in the field since the 13th of January last, I cannot comply with the resolution until this day.

Very respectfully, your obedient servant,

CHARLES M.

Paymaster United States Army.

General N. Towson,

Paymaster General U. S. Army, Washington, D. C.

Copy of a letter from Major Adam D. Steuart, paymaster United States army, to the Paymaster General.

PAYMASTER'S OFFICE,
St. Louis, February 12, 1840.

GENERAL: Upon my return to this city from Fort Leavenworth, I received a circular letter of the 11th ultimo, enclosing certain resolutions of the United States Senate, passed on the 30th December last. In answer, I have the honor to state, that I neither sold nor exchanged the Government drafts, or other Government funds, or my own drafts on the Government, during the years 1838 and 1839, for notes of the late or present Bank of United States.

I beg leave to add, that I have, at no time since my appointment, sold or exchanged the Government drafts, or other Government funds, or my own drafts on the Government, for a premium.

With great respect, I am, sir, your obedient servant,

ADAM D. STEUART,
Paymaster United States Army.

General N. Towson,
Paymaster General U. S. Army.

Copy of a letter from R. A. Forsyth, late paymaster United States army, to the Paymaster General.

DETROIT, February 14, 1840.

SIR: In reply to your circular of January 11, 1840, I state, in reference to my official transactions:

1st. That I have never received or paid out notes of the late Bank of United States.

2d. That I have never received or paid out notes of the present Bank of United States, except in the case of a draft drawn by the Treasurer of United States on Mr. Poe, agent of the Bank of the United States at Mobile, in favor of Captain Casey, acting paymaster, and transferred to me February, 1839, at Tampa Bay, for about thirty-seven thousand seven hundred dollars, of which ten thousand dollars were received and paid out in specie, and the balance in the paper of the Bank of the United States, which ten thousand dollars were under the denomination of twenty, and a paper was received and paid out by me, under an authority from the Secretary of the Treasury and Paymaster General.

The money was received in March, 1839.

3d. That I have never received or paid out post-notes of the present Bank of the United States.

Respectfully, sir, your obedient servant,

R. A. FORSYTH.

General N. Towson,
Paymaster General U. S. Army.

Copy of a letter from Major Donald Fraser, paymaster U. S. army, to the Paymaster General.

TAMPA BAY, FLA., *February 21, 1840.*

GENERAL: I this day received your letter of the 11th ultimo, together with a copy of the resolutions of the Senate, of 30th December, 1839, and intend to furnish you with the information required of me.

I have had no transactions whatever with the *late* Bank of the United States, nor with any agent thereof, during the years 1838 and 1839.

I have had no transactions whatever with the present Bank of the United States, nor with any agent thereof, during the years 1838 and 1839.

I have the honor to remain, with high respect and consideration, your obedient servant,

DONALD FRASER,
Paymaster U. S. Army.

General N. Towson,
Paymaster General U. S. A.

Copy of a letter from Captain Benjamin Walker, late acting paymaster U. S. army, to the Paymaster General.

FORT JESUP, *February 27, 1840.*

SIR: On my return to this post yesterday, I received yours of the 11th ultimo, annexed to the resolutions of the Senate of 30th December last, requiring reports from disbursing officers, "Whether they have sold or exchanged the Government drafts, or other Government funds, or their own drafts on the Government, during the years 1838 and 1839, for paper-money," &c. And, in reply, I have to report, that I have not, during the time specified, or at any other, sold or exchanged the Government drafts, Government funds, or my own drafts on the Government, for any notes of the late or present Bank of the United States, of any description whatever.

I would remark that the Treasury drafts received by me were always presented by me, and paid at the places where they were made payable, viz: Louisiana banks and land offices.

The very small amount of Treasury notes received by me, was paid out to the officers, soldiers, and sutlers, direct, in as equal proportions, with specie and Louisiana bank-notes, as was practicable.

I would add that, during my service as acting paymaster, I never received or paid out a single note of the late or present Bank of the United States—checks being generally given on the banks.

Respectfully, your obedient servant,

B. WALKER,
Late Acting Paymaster U. S. Army.

Brig. General N. Towson,
Paymaster General, Washington, D. C.

permitted to refer you to him for the denomination of
from me \$10,000 in United States Bank notes.

This, general, is all the information I can give
I am, sir, very respectfully, your most obedient
JF

Capt. and Com. Subs.,

General N. Towson,
Paymaster General U. S. Army.

*Copy of a letter from Captain John B. Grayson,
United States army, to the Paymaster*

New Orleans, L

GENERAL : On the 26th February, I received from
Treasurer United States, the following funds for 1838, viz :

No. 276 to No. 305,	30 of	\$1,000 each
No. 427 to No. 486,	60 of	500 each
No. 1,193 to No. 1,392,	200 of	100 each
No. 1,574 to No. 1,773,	200 of	50 each

Amount in

**Issued on war-warrant No. 233, in my favor ; also
collector of this city for \$10,000, viz, No. 3,204 paid**

**Lieutenant Casey leaves for Tampa this afternoon
balance of \$25,000 being retained in my possession
Larned. Mr. Casey, with myself, disposed of \$10,000**

\$23,500 in Treasury notes, 50s and 100s.
1,500 in 50s, 20s, 10s, 5s, good local notes.

I will require \$15,000 for the regular payment of the army, and would request that you would have that amount sent to me, \$7,000 in specie, \$8,000 in Treasury notes.

I am, general, very respectfully, your most obedient servant,

JOHN B. GRAYSON,

First Lieutenant and acting Paymaster.

General N. TOWSON,

Paymaster General, Washington city.

A true copy :

JOHN B. GRAYSON,

Captain and Com. Subs., late acting Paymaster.

PAYMASTER GENERAL'S OFFICE,

City of Washington, May 6, 1840.

SIR: Believing that the resolution passed in the Senate on the 30th of December, 1839, embraces disbursing agents like myself, I have the honor to state, that five Treasury drafts for salaries of the clerks and messenger in his office, were sold by me at the request of the parties to whom the proceeds belonged, during the years 1838 and 1839, but not for notes of the late or present Bank of the United States, of any denomination. Of the endorser, or to whom the drafts were ultimately paid, I have no knowledge, except that it was myself the first endorser, the draft having been made out at the Treasury in my favor.

I am respectfully, sir, your most obedient,

NATHL. FRYE,

Chief clerk and disbursing agent.

General NATHAN TOWSON,

Paymaster General.

SURGEON GENERAL'S OFFICE,

January 28, 1840.

SIR: In answer to the inquiries contained in the resolution of the Senate of the 30th of December, 1839, I have to state, that said resolution has been referred to surgeon T. G. Mower and assistant surgeon B. King, the only disbursing officers of this department; who have reported that they have not sold or exchanged drafts, or other Government funds, during the years 1838 and 1839, for paper-money of the descriptions enumerated in the 1st, 2d, and 3d inquiries of said resolution; and that they have not, during said years, sold any drafts of their own upon the Government.

I have the honor to be, very respectfully, your obedient servant,

TH. LAWSON,

Surgeon General.

Hon. J. R. POINSETT,

Secretary of War, Washington.

ENGINEER DEPARTMENT,
Washington, March 24

SIR: In reply to the resolution of the Senate, dated December 30, 1839, requesting inquiries to be made, whether disbursing officers, & sold or exchanged Government drafts, or other Government funds, or their own drafts on the Government, during the years 1838 and 1839, on United States Bank paper, I have the honor to report:

That inquiries have been addressed to all the disbursing officers of the Engineer Department; and it appears, from their reports, that no Government funds, or other Government funds, or their own drafts on the Government, during the years 1838 and 1839, have been sold or exchanged for money designated in the resolution; also, that none of them have failed to answer these inquiries in a reasonable time.

I have the honor to be, very respectfully,

JOS. G. TOTTELL,
Col. & Chief Engineer.

Hon. J. R. POINSETT,
Secretary of War.

IN THE SENATE OF THE UNITED STATES
December 30, 1839

Resolved, That the President of the United States be requested to cause to be made the proper inquiries to be made of all disbursing officers, and of all contractors (the Post Office Department inclusive), to ascertain from them whether they have sold or exchanged the Government drafts, or Government funds, or their own drafts on the Government, during the years 1838 and 1839, for paper-money of the following denominations:

1. Bank-notes of the late Bank of the United States, and especially of a less denomination than twenty dollars;
2. Bank-notes of the present Bank of the United States, and especially of notes of a less denomination than twenty dollars;
3. Post-notes of the present Bank of the United States, and especially of such notes of a less denomination than one hundred dollars; also of such notes of a less denomination than twenty dollars, and which have been made payable more than sixty days after date, or which were not due, or which have been altered by the pen;

And, if so, that they report the times and places of such sales, and changes, and with whom made, and the amounts so sold or exchanged.

Also, that the President be requested to cause to be communicated to the Senate the name of any disbursing officer, agent, or contractor, who may fail to answer the foregoing inquiries in a reasonable time;

Also, that the President be requested to cause to be communicated to the Senate a list of such Treasury or Post Office drafts in favor of disbursing officers, agents, and contractors for the years 1838 and 1839, as may appear to have been sold, with the names of the endorsers, and to what use applied.

Attest:

ASBURY DICKINS, Secretary.

PENSION OFFICE, May 9, 1840

SIR: In obedience to the resolution, of which the foregoing is a copy, I have the honor to inform you that, soon after the adoption of the resolution,

ressed a circular to each of the agents for paying pensioners then under control of this office, asking the information sought; and, in reply to several inquiries, they have all, except three, declared unequivocally they have, in no instance during the years 1838 and 1839, either sold or exchanged Government drafts, or other Government funds, for bank notes of the late Bank of the United States, or bank-notes or post-notes of the present Bank of the United States, of any description whatever; nor have they sold their own drafts, not being authorized to draw on Govern-

me exceptions to which I allude are the agents at Jonesborough, Knox- and Pulaski, in Tennessee. Their answers appear to have been made with a view of affording not only all the information required in paragraphs numbered 1, 2, and 3 in the resolution, but for the purpose of showing the facts necessary in order to a proper understanding of their conduct in disposing of Government drafts. Their letters are marked A, B, and C.

I have the honor to be, very respectfully, your obedient servant,
J. L. EDWARDS,
Commissioner of Pensions.

Wm. J. R. POINSETT,
Secretary of War.

A.

JONESBOROUGH, TENN., *March 9, 1840.*

SIR: Your communication covering the resolutions of the U. S. Senate of the 30th December last, is before me, and to which, according to your request, I proceed to answer.

1. The distance at which I was removed from banks and bank facilities has devolved upon me (in the general) the task of raising the funds for the supply of my office, irrespective of the Government drafts; and after doing the same, and disbursing the money, reimbursed myself out of the proceeds in the prosecution of my business, having in no instance sold them, either of them, during the years 1838 and 1839, or prior, or subsequent, cash of any description; but almost universally after paying the amount due to the pensioners of my own funds, vested the drafts in the east in the purchase of goods, instead of the moneys used in their place.

2. United States notes, whether of the *old* or *new* bank, and whether *immediately* payable, or *prospectively*, in this interior section, have been in circulation to but a very limited extent; hence, in my payments to the pensioners, I could not have procured them. The rule I adopted, was to accommodate the pensioner with such money as he called for, keeping in mind in all cases that I paid equal to that received, whether *specie*, Treasury notes, or the notes of other banks at par.

Very respectfully, your obedient servant,

WM. K. BLAIR,
Pension Agent.

JAMES L. EDWARDS,
Commissioner of Pensions.

B.

AGENT'S OFFICE, EAST
Knoxville,

SIR: Your letter under date of the 21st February, has been received to hand, covering resolutions in the Senate of the United States with your request that I should furnish your office with a statement in my possession touching the several inquiries contained in the Senate, during the years 1838 and 1839.

1. Bank notes of the late Bank of the United States notes of less denomination than twenty dollars.

Answer.—I have paid out no note, to the best of my recollection, of less denomination than twenty dollars.

2. Bank notes of the present Bank of the United States notes of a less denomination than twenty dollars.

Answer.—I have paid out no note, to my recollection, of less denomination than twenty dollars.

3. Post-notes of the present Bank of the United States notes of any of such notes of a less denomination than one hundred dollars, or of a less denomination than twenty dollars, and which had not been altered at more than sixty days after date, or which were not altered by the pen.

Answer.—I have no recollection of handling such notes, or of turning them out to the pensioners. I feel well convinced, that in making payments to pensioners, I adhered strictly to my instructions from time to time, emanating from the War Department. The money I was instructed to pay to pensioners.

I have paid no kind of money to pensioners but Treasury notes, gold and silver, during the years 1838 and 1839. I can safely say, that I have made four-fifths of the disbursements to pensioners in gold, silver, and Treasury notes, in the years 1838 and 1839. United States notes at this place are at par with gold and silver, and are frequently asked for by the attorneys who draw the pension, and are more convenient to carry than silver. The drafts heretofore received from the Treasurer of the United States, are generally too large for me to purchase, and I am compelled to forward it on to the Treasury, where it is deposited to my credit, and draw on the deposit as I find it may be necessary to pay funds, such as Treasury notes, gold or silver, in such sums as they may want to remit; and, in consequence of being compelled at times to check in the name of the pensioners, as specie at times is so scarce, I am unable to obtain it at times. Yet I have been more fortunate recently, as I effected an advance Government draft of \$9,250 for specie.

It is impossible for me to answer all the inquiries that are made touching the resolutions of the Senate, inasmuch as I could not answer a requisition would be made on me, and having or taking part in any of the different transactions in exchanges. But I presume Congress wants only the general result, that is, that the pensioners have been paid in sound funds, equal to gold and silver, and that they have not speculated on the Government funds, nor the pensioners. In answer to this inquiry, that I, as agent, have not made one dollar by the use of Government funds; and as for the pensioners, they can speak for themselves.

d I presume the Secretary of War would have heard from them, if I had treated them in the payments they have received at my hands, ere this. I court an investigation at any moment, to see where the surplus is that is in my hands. It will be found where it was the 4th of September, 1826, the time I made the first payment after my appointment; it is either dissipated, and in vouchers, or the cash in my safe.

In reading the debates of Congress on the resolution to pay pension agents nothing for their labor, I was struck with surprise at some of the members' expressions on the subject, that the surplus money on hand in the hands of an agent, should be sufficient pay for his labor and safekeeping of the funds for the next semi annual payment. Yet the general impression is, that we, agents, shall not use the funds of the Government, and speculate on them. Ask what a situation as pension agent would I place myself in, should I use funds belonging to Government: for almost all the time I have been in, our common home currency, which is almost all that is in circulation, and has been at a discount for par funds from 5 to 10 per cent. I ask, in the name of goodness, could I use the funds with a profit to myself? I am required to pay money equal to gold and silver to the pensioners. I suppose Congress think for the mere safekeeping of the funds there is pay enough.

I am, respectfully, your obedient servant,

R. KING, *Agent*.

JAMES L. EDWARDS, Esq.,

Commissioner of Pensions, Washington city.

C.

PULASKI, *March 4, 1840.*

SIR: Your letter, of the 21st ultimo., accompanied with the resolution of the Senate of the United States, of the 30th December last, came to hand yesterday. I beg leave to say that I have, in no instance, exchanged the Government drafts, or other Government funds, or my own drafts on the Government, (and, by the-by, I have drawn no drafts on the Government,) for neither of the description of paper money embraced in the first, second, and third inquiries to which my attention is called in the resolution aforesaid. As remarked to you on a former occasion, I have made an arrangement with the Planters' Bank of Tennessee, at this place, to furnish with gold and silver for all the funds of the Government forwarded me for disbursement, which has been invariably complied with. I beg leave further to state, in order to exhibit the whole truth, that the only instance that I have ever used any of the funds of the Government, its drafts, or treasury notes, was in the spring of 1838, when I forwarded to Messrs. Men & Grant, of Pittsburg, Pennsylvania, five hundred dollars in Treasury notes—to supply the place of which I furnished the constitutional currency. All of which I have the honor to respectfully submit.

Very respectfully,

THOMAS MARTIN, *Agent*.

JAMES L. EDWARDS,

Commissioner of Pensions, Washington city.

WAR DEPARTMENT
Office Indian Affairs, A

SIR: I have the honor to submit copies of communications from 1 to 8, inclusive, in compliance with the resolution of the 30th December last, having reference to the sale of Government drafts, or other Government funds. These, I embrace answers from such agents, &c., as have made sale, it being deemed unnecessary to send the negative replies of

I also submit a copy of the circular (No. 9) which was transmitted to different agents and contractors in the Indian Department, 10) of the names of those who have not responded to its request.

Very respectfully, your most obedient servant

T. HARTLEY CLARK

Hon. J. R. POINSETT,
Secretary of War.

No. 1.

GEORGETOWN, JANUARY 1840

SIR: Your letter of the 25th instant has been received, a copy of the resolution of the Senate of the United States of the 30th December last, thereto annexed, requesting the President of the United States to direct the disbursing officers and agents, &c., "whether they have changed any Government drafts, or other Government fund drafts on the Government, during the years 1838 and 1839, of the following descriptions:

"1. Bank-notes of the *late* Bank of the United States, and of a less denomination than twenty dollars.

2. Bank-notes of the *present* Bank of the United States, notes of a less denomination than twenty dollars.

3. Post-notes of the *present* Bank of the United States, or any such notes of a less denomination than one hundred dollars, or less denomination than twenty dollars, and which had been not more than sixty days after date, or which were not due, or were altered by the pen."

To the 1st interrogatory: I answer that I did not sell or change any Government drafts, or funds for any bank notes of the *late* Bank of the United States.

To the 2d interrogatory: I answer, that I did make some sales of Government drafts, for the bank-notes of the *present* Bank of the United States, a small portion of which were for a less denomination than twenty dollars.

To the 3d interrogatory: I answer, that I made some sales of Government drafts for the notes of the class referred to: The dollar notes appeared to have been originally intended for use as small in size, and the paper very thin and light; they had been made payable to order and blank day after date, but when they came to the words *order*, and *days after date*, had been erased, and inserted the words "on demand to John Ross, or bearer." This description likewise applies to the twenty-dollar notes, except

ch larger, and the paper more firm ; the fifty-dollar notes and the tens
e filled up in the usual manner of bank-notes, and payable on demand
earer without any erasure.

'he amount that I exchanged was from \$25,000 to \$30,000, which took
e in the summer of 1838, while acting as disbursing agent in the
rokee country east, and was made with Major Charles J. Nourse, at the
rokee agency.

Very respectfully,
JOEL CRUTTENDEN.

DR. T. HARTLEY CRAWFORD,
Commissioner of Indian Affairs, Washington.

No. 2.

PHILADELPHIA, *February 8, 1840.*

DEAR SIR: I received your favor of the 25th ultimo, with a resolution
hed from the Senate of the United States of the 30th December, 1839,
ive to the sale and exchange of Government drafts, &c., during the
s 1838 and 1839.

In answer to your request, I will state to you the particulars, as near as
memory serves me, viz: In 1838 I received from the Indian Department,
Dr C. A. Harris, Esq., Commissioner of Indian Affairs, for all rifles de-
ed, Treasury notes (which I paid to my son-in law, A. J. Bucknor, at
value, for money due him by me), except the last payment in August,
3, I received a draft which I exchanged and received all one-thousand-
r notes, except fractional parts, of the present United States Bank of
sylvania.

In 1839, under your superintendence as Commissioner of Indian Affairs,
ceived two drafts on the custom-house, which I exchanged, but received
of the United States Bank notes of any description.

With great respect, your obedient servant,
HENRY DERINGER.

DR. T. HARTLEY CRAWFORD, Esq.,
Commissioner of Indian Affairs, Washington city.

No. 3.

WYANDOT SUB-AGENCY,
Upper Sandusky, Ohio, February 12, 1840.

SIR: I have the honor to acknowledge the receipt of your letter, dated
25th ultimo, with the printed resolution of the Senate relative to the
and exchange of Government drafts, &c., during the years 1838 and
39.

In reply I would state, that all moneys paid out at this agency, during
year 1838, were paid by Major John Garland, late principal military
bursing agent.

The disbursements for 1839, were made from drafts on the receivers of
blic moneys in this State. These drafts were presented at the land-offices
which they were drawn, and paid in specie, with the exception of a
all balance (the receiver of the land office at Lima having exhausted his

No. 4.

FARMINGTON, MISSOURI

SIR: I have the honor to acknowledge the reception of the 25th ultimo, together with the copy of Senate of the 30th December last; and, in answer Senate, have to say, that, at the time I was appointed Osage Indians, I was directed to draw money from the principal disbursing agent at St. Louis, Missouri, to turn the money over to me, as the service at one time, from Captain Hitchcock, to wit: On the three thousand dollars, all of which, I believe, was in the present Bank of the United States, except one hundred in gold. The bank-notes already mentioned were, embraced in the resolution of the Senate, which I acted as special agent.

Very respectfully, your obedient

T. HARTLEY CRAWFORD,
Commissioner of Indian Affairs.

No. 5.

CHOCTAW AGENT

SIR: I have the honor to acknowledge the reception, enclosing the printed resolution of the Senate Government drafts during the years 1838 and 1839.

In answer thereto, I beg leave to state, that I have changed any Government drafts to any agent of the States. I received a draft from the Treasurer of

No. 6.

WEST PORT, JACKSON COUNTY,
Missouri, March 8, 1840.

SIR: To the inquiries of the United States Senate, contained in your letter of January 25, 1840, I answer, that I received requisitions from the agent and sub-agent on the superintendent of Indian affairs at St. Louis, Missouri; that I have sold all my requisitions here. To the first and third inquiries, I answer in the negative. To the second, I answer, that, in November last, I received, in payment of a requisition of Samuel C. Owens Esq., of Independence, Missouri, several bank notes of the present Bank of the United States, amounting, in all, to about \$300; and all, so far as recollection serves me, of the denomination of twenty dollars and up-

I have the honor to be, respectfully, your obedient servant,

J. C. McCOY.

HARTLEY CRAWFORD, Esq.,
Commissioner of Indian Affairs.

No. 7.

FREDERICK, MARYLAND, May 7, 1840.

SIR: I have the honor to acknowledge the receipt of your circular, dated January, with resolutions of the Senate relative to disbursing officers. This circular never reached me until a few days ago. It went to Fort Monro, and back to Washington, from thence to this place, and I lose no time in answering it.

The first exchanges I made were with Mr. Roberts, the agent of the present United States Bank. The amount I do not recollect. I had drafts on New Orleans, and, I believe, on Cincinnati and New York, and was making some preparations to get them cashed at the several banks on which they were drawn, but did not know how to do without the amount until I had sent for it, when Mr. Roberts came to the Cherokee agency (East) with a large sum of money. Exchanged with him some several hundred thousand dollars, and gave him the Treasury drafts on the different banks. As authorized to do it by General Scott, Mr. Roberts having letters also which authorized the same. I changed a small amount with Mr. Nourse, Washington, and gave him a Treasury draft either on Louisville or Cincinnati. All this was exchanged dollar for dollar, and paid out the same.

Most of my large payments were made to John Ross. I gave him the drafts as I received them; at first, he declined taking them, unless I would pay all the expenses of his getting the money from where they were made payable; this difficulty I referred to the Commissioner of Indian Affairs, and was directed by him to turn the drafts over to Ross just as I received them. I did so. Ross, I believe, got most of them cashed by Mr. Roberts, and some by Mr. Nourse.

The Treasury notes I paid out as I received them. I never sold one to any person. I paid most of them to Ross, \$150,000 at a time. He sold many of them to the Tennessee banks, and took their notes; this had nothing to do with. I disbursed but very little Tennessee money; what I did was received at 8 per cent. discount, and paid out the same, as

sers. We have also transferred many of them to the present Bank of United States, which we were unable to avoid, in consequence of our embarrassed situation, and under which we are still laboring; by which we were forced to make large loans of said bank, at a high rate of interest, as well as having to bind ourselves to pay in *specie* or *Treasury drafts*; though it may, perhaps, be well to mention that this was the only bank in which we could obtain, on any terms, a sufficient amount of money to save us from breaking and forfeiting our contracts to the Government. Respectfully, your most obedient servants,

GLASGOW & HARRISON.

T. H. CRAWFORD, Esq.,
Commissioner of Indian Affairs.

No. 9.

WAR DEPARTMENT,
Office of Indian Affairs, January 25, 1840.

SIR: I herewith annex a printed copy of the resolution of the Senate, the 30th ultimo, relative to the sale and exchange of Government drafts, &c., during the years 1838 and 1839, with the request that you will furnish the information called for at the earliest practicable moment, as the answer to the resolution from this office awaits your reply. Very respectfully, your obedient servant,

IN THE SENATE OF THE UNITED STATES,
December 30, 1839.

Resolved, That the President of the United States be requested to cause proper inquiries to be made of all disbursing officers and agents, and contractors (the Post Office Department inclusive), to ascertain from them whether they have sold, or exchanged, the Government drafts, or other Government funds, or their own drafts on the Government, during the years 1838 and 1839, for paper-money of the following descriptions:

1. Bank-notes of the late Bank of the United States; and especially notes of a less denomination than twenty dollars;
2. Bank-notes of the present Bank of the United States; and especially of a less denomination than twenty dollars;
3. Post-notes of the present Bank of the United States; and especially of such notes of a less denomination than one hundred dollars; also, of a less denomination than twenty dollars, and which had been made payable at more than sixty days after date, or which were not due, or which had been altered by the pen;

And, if so, that they report the times and places of such sales or exchanges, and with whom made; and the amounts so sold or exchanged; Also, that the President be requested to cause to be communicated to the Senate, the name of any disbursing officer, agent, or contractor, who shall fail to answer the foregoing inquiries in a reasonable time; Also, that the President be requested to cause to be communicated to the Senate, a list of such Treasury or Post Office drafts in favor of dis-

bursing officers, agents, and contractors, for the years 1838 and 1839, shall appear to have been sold; with the names of the persons to whom paid.

Attest:

ASBURY DICKINSON

No. 10.

List of names of such persons, to whom the annexed circulars have been sent, as have not responded to its requirements.

D. P. Bushnell,	disbursing agent.	Hillsman and Tunne
Capt. J. P. Davis,	do.	McCaller and Long,
Capt. J. P. Simonton,	do.	M. Trudell,
Capt. J. R. Stephenson,	do.	J. M. Skelton,
Capt. R. D. C. Collins,	do.	William Eubanks,
Stephen Cooper,	do.	S. Stephenson,
Congrave Jackson,	do.	Osage chief, Ke-he-
R. A. Calloway,	do.	
Montfort Stokes,	do.	Wm. S. Hungerford,
A. L. Davis,	do.	Hiram Rich,
Lewis Cass, jr.,	do.	E. Hart,
David Baily,	contractor.	J. Throgmorton,
William Causland,	do.	Madeira and Humph
J. C. Halcomb,	do.	Charles Harris,
Lewis Jones,	do.	Alfred Oliver,
Doak and Tims,	do.	Doctor Smith,
Charles Bracken,	do.	Free Sexton,
John Boulmare,	do.	Clements and Bryan,
Williamson Smith,	do.	

QUARTERMASTER GENERAL
Washington City, 1839

SIR: In compliance with your order of the 7th of January 1839, in relation to the resolution of the Senate of the 30th of December last, and to report whether any of the officers of the Quartermaster's Department had received or exchanged Government drafts, or other Government securities, during the years 1838 and 1839, of the following descriptions, viz:

"1. Bank-notes of the late Bank of the United States, and of a less denomination than \$20;

"2. Bank-notes of the present Bank of the United States, of a less denomination than \$20;

"3. Post-notes of the present Bank of the United States, of any such notes of a less denomination than \$100; also of any such notes of a less denomination than \$20, and which had been made payable at date, or which were not due, or which had been made payable after date, or which were not due, or which had been made payable after date, and if so, that they report the times and places of such sale, and with whom made, and the amounts so sold or exchanged.

he honor to state, that I promptly adopted the measures necessary for the information required. I have received answers from ninety-six officers; ninety of whom, whose names appear on the accompanying paper marked A, have answered in the negative: four, viz, Lieut. S. Dix, Lieutenant Colonel T. F. Hunt, Captain J. P. Davis, and Lieutenant J. H. Vose, have answered in the affirmative. I submit the papers numbered from 1 to 4, in paper marked B.

The Chief Clerk of the department has refused to answer the interrogatories proposed.

I have the honor to be, most respectfully, sir, your obedient servant,

TH. S. JESUP,
Quartermaster General.

R. POINSETT,
Secretary of War, Washington City.

A.

QUARTERMASTER GENERAL'S OFFICE,
Washington City, May 11, 1840.

The following officers and agents of the Quartermaster's Department, to whom was sent the resolution of the Senate of the United States, of December 19, 1839, have replied in the negative to each and every of the inquiries contained in that resolution relating to the sale or exchange of Government lands, or funds, for notes of the Bank of the United States:

Henry Stanton,	Assistant Quartermaster General
Frederick Cross,	do. do.
Lieut. Colonel Henry Whiting,	Deputy Quartermaster General.
John C. Clark,	Quartermaster.
James Mackay,	do.
Charles Thomas,	do.
Samuel MacRee,	do.
Lieut. D. Tompkins,	Assistant Quartermaster.
Lieut. A. Waite,	do.
Thomas Swords,	do.
Lieut. H. Crosman,	do.
Lieut. R. Dusenbury,	do.
Lieut. H. Vinton,	do.
Lieut. B. Alexander,	do.
Lieut. Searle,	do.
Lieut. Cross,	do.
P. Heintzelman,	do.
R. Irwin,	do.
Lieut. M. Clark,	do.
Lieut. S. Sibley,	do.
Lieut. B. Babbitt,	do.
Lieut. A. Terrett,	do.
Lieut. E. Clary,	do.
Lieut. O. Collins,	do.
Lieut. R. Hetzel,	do.

Captain E. A. Ogden,	Assistant Quar
Captain J. M. Hill,	do.
Captain D. S. Miles,	do.
Captain W. S. Ketchum,	do.
Captain J. H. Stokes,	do.
Captain S. M. Plummer,	do.
Captain W. M. D. McKissack,	do.
Captain H. A. Fay, M. S. K.,	Agent Quarterm
Mr. Charles McKibben, do.	do.
Colonel J. B. Walbach,	do.
Major J. W. Ripley,	Acting Quartern
Major T. W. Lendrum,	do.
Major J. P. Taylor,	do.
Captain E. Harding,	Acting Assistant
Captain H. Garner,	do.
Captain E. V. Sumner,	do.
Captain G. Andrews,	do.
Captain W. A. Thornton,	do.
Captain G. J. Rains,	do.
Captain J. A. J. Bradford,	do.
Captain T. Green,	do.
Lieutenant W. Root,	do.
Lieutenant S. H. Drum,	do.
Lieutenant L. Pitkin,	do.
Lieutenant F. Woodbridge,	do.
Lieutenant J. Hooker,	do.
Lieutenant J. F. Lee,	do.
Lieutenant W. S. Henry,	do.
Lieutenant J. Williamson,	do.
Lieutenant W. Wall,	do.
Lieutenant J. H. Bates,	do.
Lieutenant A. L. Sheppard,	do.
Lieutenant T. L. Brent,	do.
Lieutenant F. Cox,	do.
Lieutenant E. R. S. Canby,	do.
Lieutenant D. Davidson,	do.
Lieutenant R. C. Edes,	do.
Lieutenant A. J. Field,	do.
Lieutenant R. S. Granger,	do.
Lieutenant T. B. Gannett,	do.
Lieutenant W. B. Green,	do.
Lieutenant Th. Hendrickson,	do.
Lieutenant J. H. Hill,	do.
Lieutenant A. T. Hoffman,	do.
Lieutenant J. H. King,	do.
Lieutenant E. R. Long,	do.
Lieutenant J. McKinstry,	do.
Lieutenant D. H. McPhail,	do.
Lieutenant G. R. Paul,	do.
Lieutenant D. H. Rucker,	do.
Lieutenant H. Swartwout,	do.
Lieutenant E. J. Steptoe,	do.

V. H. Shover,	Acting Assistant Quartermaster.
T. W. Sherman,	do.
J. H. Talcott,	do.
J. B. S. Todd,	do.
L. H. K. Whiteley,	do.
J. C. Westcott,	do.
D. P. Whiting,	do.
L. W. Wharton,	do.
L. B. Marcy,	do.
J. H. Whipple,	do.
V. B. Hayward,	do.
V. Alburtis,	do.
J. W. Patton,	do.
	THOMAS S. JESUP,
	Quartermaster General.

B 1.

ASSISTANT QUARTERMASTER'S OFFICE,
Charleston, S. C., January 20, 1840.

ve to acknowledge the receipt, yesterday, of your communica-
 3th instant, with the resolution of the Senate annexed, in re-
 "sale or exchange of Government drafts or funds, during the
 and 1839, for bills of the Bank of the United States."

the quires therein contained, I have to state that, during the
 and 1839, I made repeated deposits in the Pennsylvania Bank
 l States, of the Treasury drafts and funds which were placed
 for disbursement, a number of which drafts were on the said
 amount of these different deposits, or the exact time of ma-
 is not in my power, at present, to state. By reference to my
 the bank I could, at any time, obtain them.

nds thus deposited have been accounted for, and were disburs-
 on the bank, which, without doubt, were paid in the legal
 the United States, or its equivalent.

of a less denomination than twenty dollars were, to my knowl-
 time, paid out by the bank.

recollection of receiving or disbursing notes of the late Bank
 l States of any denomination whatever.

I am, sir, &c.,

R. S. DIX,
Captain, and Assistant Quartermaster.

neral JESUP.
 rtermaster General, Washington.

B 2.

DEPUTY QUARTERMASTER GENERAL'S OFFICE,
Garey's Ferry, February 19, 1840.

: In compliance with your instructions of January 13, accom-
 ich were resolutions of the Senate of December 30, 1839, I

United States; and on the 6th of May, I received Sibley, dated the 4th; with the letter I received & notes of the present Bank of the United States of ten and twenty dollars. Notes of the Bank of the United States, as acceptable in payments that I had to make in these cases more so.

Very respectfully, &c.,
THOMAS S. JESUP

Lieut. Col. and Deputy Quartermaster General,
Maj. Gen. THOMAS S. JESUP,
Quartermaster General, Washington City

B 3.

ASSISTANT QUARTERMASTER
Fort Gibson

SIR: Your letter, dated 13th January, 1840, and Senate, relative to the sale and exchange of draft No. 19th instant.

In compliance with these resolutions, I have to inform you that I have changed but two Treasury drafts for United States notes on the present Bank of the United States, of ten and twenty dollars.

The exchange was made for one at Fort Gibson, January, 1839, with J. L. Roberts, Esq.; amount of draft nine hundred dollars, being Treasury draft No. 6,390. exchanged at Little Rock, Arkansas, in the month of January, 1839, with J. L. Roberts, Esq.; amount of draft nine thousand dollars, being Treasury draft No. 8,256. issued on war warrant No. 5,974.

B 4.

FORT TOWSON, ARKANSAS,
March 4, 1840.

SIR: To your letter of January 13, 1840, annexing resolutions of the Senate of the 30th December, 1839, I have the honor to reply, that I have never exchanged or sold a Government draft for United States Bank paper, except in the following instance :

In April last I received from the Treasury Department, a draft on the Pennsylvania Bank of the United States, payable by Joseph L. Roberts, Little Rock, for twenty-five hundred dollars. I received that amount in bank-notes of the present Bank of the United States, of the denominations of from ten to one hundred dollars.

I am, sir, very respectfully, your obedient servant,

J. H. VOSE, Jr.,

1st Lieut. 3d infantry, A. A. Quartermaster.

Maj. Gen. THOMAS S. JESUP,

Quartermaster General U. S. A., Washington, D. C.



MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

a report from the Secretary of War, in compliance with a resolution of the Senate in relation to the payment of Government creditors in depreciated currency.

JUNE 5, 1840.

Read, and ordered to be printed.

Senate of the United States :

In compliance with the resolution of the Senate, dated the 30th December, 1839, I transmit, herewith, the report of the Secretary of War, furnishing such of the information, called for by said resolution, as relates to the War Department under his charge.

M. VAN BUREN.

WASHINGTON, June 5, 1840.

WAR DEPARTMENT, June 4, 1840.

I have the honor to transmit, herewith, the reports of the several officers of this department, furnishing, as far as relates to them, the information required by the second and third paragraphs of a resolution of the Senate, dated the 30th of December, 1839, requesting the President of the United States to cause to be communicated to the Senate, the names of persons who have refused to pay the Government demands in specie when demanded, since the general resumption in 1838, and whether the department has any information, or reason to believe, that any of the Government debts have been paid in depreciated currency during that period.

Respectfully, your most obedient servant,

J. R. POINSETT.

RESIDENT of the United States.

Wash., printers.

SIR : I have the honor to report the Senate of the United States of the information in relation to the suspension other than what is derived from general nor do we know that any bank, except for this branch of the department, when demanded. This office possesses Government creditors have been paid in assumption of specie payments in 1839 would authorize the presumption that I have the honor to be, very respectfully,

Hon. J. R. POINSETT,
Secretary of War.

Co

In obedience to the resolutions of December 30, 1839, the Commission That the Moyamensing Bank, in available to the payment of the claims specie-payment on the 9th October banks in this city. The public creditors of their claims, the current bank-note only one instance occurred of any which arose from the contractor's reference of exchange between the two not persisted in ; but as it was found of the clothing establishment without from the bank, on transmitting the letter was addressed to the War Department of the Treasury should order a draft Philadelphia ; that a portion of the note should be paid in specie, to discharge subsequently made to the Moyamensing arrangement to furnish as much as establishment would require.

From the 9th October to the 31st (with the exception of the persons the army) were paid by this department at their par value in the State of Pennsylvania the present month every demand has Respectfully submitted.

Hon. J. R. POINSETT,
Secretary of War.

SURGEON GENERAL'S OFFICE,
January 28, 1840.

SIR: In answer to the resolution of the Senate of the 30th of December, 1839, I have to report, that I do not know the name of any bank which has refused to pay the Government demands in specie when demanded; nor has this department any information, or reason to believe, that any of our Government creditors have been paid in depreciated currency since the general resumption in 1838.

I have the honor to be, very respectfully, your obedient servant,
TH. LAWSON,
Surgeon General.

Hon. J. R. POINSETT,
Secretary of War, Washington.

PAYMASTER GENERAL'S OFFICE,
January 30, 1840.

SIR: I have the honor to submit the following statement, in reply to that part of the resolution of the Senate of the 30th of December, 1839, which requests the President "to inform the Senate whether any of the departments have information, or have reason to believe, that any of the Government creditors have been paid in depreciated currency since the general resumption of 1838."

I have searched the files of this office, and find the following correspondence relating to the funds in which the troops have been paid since the general resumption of specie-payments, which took place in the month of August, 1838.

I am, sir, respectfully, your obedient servant,

N. TOWSON,
Paymaster General.

Hon. J. R. POINSETT,
Secretary of War.

*Copy of a letter from Lieut. Col. J. Green, 6th United States infantry,
to Paymaster General.*

HEADQUARTERS, DIST. WEST SUWANEE,
Fort Frank Brook, M. F., January 30, 1839.

SIR: I would respectfully beg leave to call your attention to the kind of funds, and the manner in which the regular troops in this district have lately been paid. Paymaster Mapes has been ordered to pay in checks drawn upon the Bank of Charleston, South Carolina, and this he has done so far as the officers and soldiers would receive them. This method of paying the troops (in checks) creates much embarrassment to the possessor, for the reason that he must get them cashed some how or other, and must take any thing he can get for them—such, for instance, as the notes of the Union Bank of Florida, at Tallahassee, which in the adjoining States are at a discount of at least ten per cent., and the bank is not a specie-paying bank. The soldiers feel this inconvenience much more, perhaps, than the officers, as the sums they receive at the pay-table are generally small, and they have no means by which they can get their

checks cashed except through pet
mercy, instead of giving them a
sorry to inform you, has occasion
have, therefore, felt it my duty
well assured that you, sir, will do
venience, and secure to the toilwe

I hope, sir, you will receive this
it is meant, and that is, merely to
hope that it may be in your po
payment.

I am, sir, with great respect, yo

Gen. N. Towson, *Paymaster*

*Copy of a letter from Lieutenant
Adjutant General, and referre*

Dear

GENERAL: I have the honor to
the payment of company F, 6th re
of its captain, I command.

I have to complain of the man
and January, 1839, by Major (C
army.

None earn their pay more dear
they deserve to be paid in the bes
regiment of infantry has been pa
in checks on banks at a distance
In August last it was paid by che
checks on Charleston; and both
ble, for the soldier to have them
banks. In case he is discharged,
be able to proceed to his home; v
are paid in specie within forty n
Fort Fanning), the paymaster of
and silver, while we, officers and
above stated contrary to our wish
half of my company, at the last
checks. Not knowing the proper
believing that the power of redress
subject, and request that this com
able Secretary of War.

Very respectfully

1

General R. Jones,
Adjutant General U. S. A

[Note.—This is one of the con
Green's letter.]

Copy of a letter from the Paymaster General to Lieutenant Colonel J. Green.

PAYMASTER GENERAL'S OFFICE,
March 2, 1839.

SIR: I have received (and thank you for) your letter of the 30th ultimo. It has been a subject of much regret, that the department could not procure such funds for the payment of the troops as they desire. The law requires that all sums under \$20 shall be paid in specie; but the banks at which the paymasters receive drafts, cannot furnish a sufficient amount of time to enable them to do so. If the payments are made by check, and these presented from time to time, as they will be, the whole will be remedied in specie, if desired; and when the troops are in the vicinity of a bank, it is desirable this should be done; but, when they are remote, I readily perceive the inconvenience attending it. I shall write to Paymaster Van Ness* to-day, and as far as it is in the power of the department, it will be remedied.

Respectfully, your obedient servant,
N. TOWSON,
Paymaster General.

Lieut. Colonel J. GREEN, U. S. A.,
Fort Frank Brook, Florida.

Copy of a letter from the Paymaster General to the Adjutant General.

PAYMASTER GENERAL'S OFFICE,
April 2, 1839.

SIR: I herewith return Lieutenant J. B. S. Todd's letter of the 13th inst., referred to me with a request that I would examine into the complaint alleged against Paymaster Mapes, &c. The following extract from a letter, written yesterday, to Paymaster Mapes, will show what I have to him on the subject:

I send you a copy of a letter from Lieutenant J. B. S. Todd to the Adjutant General, complaining of the funds in which you paid the company demanded by him. I am aware that it was not practicable to pay specie, as it seems to think you ought to have done, but it necessarily must be inconvenient to individuals to be paid in small checks on distant banks. The instructions to paymasters 'to pay checks as far as practicable,' were only intended to apply to officer's accounts who are willing to receive them, and other troops when in the vicinity of the banks furnishing the funds. Presume you can procure acceptable money for drafts on New Orleans; I have no doubt you will do all in your power to give satisfaction."

Respectfully, your obedient servant,
N. TOWSON, Paymaster General.

General R. JONES,
Adjutant General, U. S. Army.

* Mistake of the copying clerk—should be Paymaster Mapes.

Copy of a letter from Paymaster Charles Mapes to the Paymaster General, in relation to the complaint made by Lieutenant Todd to the Adjutant General, of the 13th March, 1839, together with affidavits of Lawrence W. Carroll, George Miller, and L. Rutgers.

PAYMASTER'S OFFICE, TALLAHASSEE, FLORIDA,
April 1st 1839.

GENERAL: I have the honor to acknowledge your letter of the 27th inst. enclosing a copy of complaints made by Lieutenant J. B. S. Todd, in relation to the payments made by me to the 6th regiment of infantry. I never saw of those charges, Lieutenant Todd having failed in sending me a copy.

In relation to the payments made in August last, you make a charge of injustice of his complaint, when I pledge myself to prove the contrary. I placed in the hands of him (Lieutenant Todd), at the pay-table, checks on New York, and that he (Lieutenant Todd) did not cash them, but pay the premium; and that Mr. Miller (see his affidavit) put the checks in the hands of Doctor Madison, the acting assistant surgeon, for Mr. Britt, the acting sutler, also paid a premium for them. The payment was made as advised by the commanding officer of the district, Lieutenant Colonel Green.

The payment made at Fort Frank Brook was, as he states, at Charleston, South Carolina. My instructions were, "to cash the checks when practicable." Colonel Green, when reading my orders, was authorized to order me to go after money, when my checks were cashed at a premium over the current funds of the country. Mr. Spalding at Fort Frank Brook, agreed to cash the checks when presented. It is ever practicable to pay in checks, I should have deemed it so, if they command a premium over the current notes of the country when they are given. I refer you to the affidavit of Mr. Carroll, and of Mr. Rutgers, the paying-teller of the Union Bank of Tallahassee, showing they would bring a premium at the bank.

I must now ask you to judge how far this officer is justified in making the charges he alleges. The difficulties he speaks of at Jacksonville, August, 1838, were removed by his paying a premium, with which he cashed for my checks on New York with current funds of the country. The checks paid at Fort Frank Brook would be redeemed by the bank at a premium in any town in the Territory where the bank was established. I did not feel authorized, under the circumstances, to cash the checks at a premium, nor did the commandant of the district deem it proper. Lieutenant Todd knew my orders at the time he made his complaint, and knew the truth of every word as above stated.

With these facts before you, I feel I cannot be censured. The department acquainted with the character of the chief of my department, will let it, or any of its members, suffer unjustly. Lieutenant Todd asked to let his communication be laid before the Hon. Secretary, and not through the commandant of his regiment. I feel even if he should be, he shall not be permitted to suffer for any injustice done me.

I have the honor, &c.,

CHAS. M. MAPES,
Paymaster United States Army.
General N. Towson, Paymaster General.

Affidavit of Lawrence W. Carroll.

CY OF TALLAHASSEE, County of Leon, Territory of Florida :

Personally appeared before me, Mr. Lawrence W. Carroll, who, being duly sworn, deposeth and saith : That he is doing duty as paymaster's clerk in Major Mapes, paymaster of the United States army ; that he was in company with Major Mapes when he made the payment to the companies of the 6th regiment of infantry, at Fort Frank Brook, Deadman's bay ; these companies were paid to the close of the year 1838, in checks on the Bank of Charleston, South Carolina ; some of the men declined receiving their money, alleging as a reason they would prefer drawing when the regiment should leave Florida, which they expected to do in the spring. Said Carroll distinctly heard Mr. Spalding, the sutler, say several times he would give the money for the checks : that checks on Charleston, at that time, bore a premium of five per cent. ; that he heard Colonel Gadsden and others offer a premium for them ; and that he is known to Mr. Spalding's receiving a premium of six per cent. for the checks given at that payment ; that he has known them to be sold from that time to the present date for a premium of five, eight, and ten per cent. on the funds of this place ; that he is also known to Lieutenant Colonel Green's reading the orders received by Major Mapes, and of his saying that he did not think he was authorized to give him an order to go after the money, when his checks were at a premium over the current funds of the country ; that he also heard Major Mapes say that he was ordered to pay in checks when practicable, and he complied so when the checks bore a premium over the current funds of the country ; he has frequently heard officers express their willingness to give Charleston checks, but has not known them to be refused.

L. W. CARROLL.

Sworn before me, the 10th day of April, 1839.

W. HILLIARD, J. P.

Affidavit of George Miller.

CY OF TALLAHASSEE, County of Leon, Territory of Florida :

Personally appeared before me, Mr. George Miller, merchant, of St. Marks, Florida, who, being duly sworn, deposeth and saith : That he had money due him from some of the companies of the 6th regiment of infantry ; that, for the purpose of collecting the same, he accompanied Major Mapes to James's island, in the month of August, 1838 ; it was understood that Major Mapes would pay in checks on New York ; Lieutenant Colonel Green was at the island at the time, and desired the payment to be made without delay. He further says, that he is known to the fact that Lieutenant Todd, of said regiment, was furnished with Florida funds to redeem said checks, and did redeem said checks at a premium ; that Acting Suter did the same ; that he (Mr. Miller) did also get as many of them as he could, at a premium of four and six per cent. ; and, on leaving, he left funds with Doctor Madison, acting assistant surgeon, to procure all he could get at the above premium. The funds used by Lieutenant Todd, Mr. Britt, and himself, were the notes of the Tallahassee and Pensacola banks, then

the bank purchased many of them from individuals.
Yours, respectfully,

HENRY L

Major CHAS. MAPES,
Paymaster, United States Army.

*Copy of a letter from John Parkhill, Cashier of the
Union Bank of Tallahassee, Florida, to Major Charles Mapes.*

UNION BANK OF
TALLAHASSEE

I do hereby certify that the check of Major Charles Mapes, payable to order of the United States Army, South Carolina, or New York, would have sold for cash at any time since August last.

JOHN I

Major CHARLES MAPES.

*Copy of a letter from the Paymaster General
Mapes.*

PAYMASTER GENERAL'S OFFICE

SIR: I have received your letters of the 10th and 11th inst. and the papers therein mentioned, and referred them to the proper authorities for their consideration. They have been laid before the Secretary of War (if Lieutenant Tolson is not to him). He has returned them with the following

"APRIL 26.—The within report, on the subject of the complaint, is deemed to be satisfactory.

"R. JONES

Extract from a letter written by Captain E. K. Barnum, of 2d infantry, to the Adjutant General, and by him referred to the Paymaster General, dated Fort Gilman, November 21, 1839.

“ I have to report that Acting Paymaster R. Bennett arrived at this post yesterday, for the purpose of paying my company G, 2d infantry.

“ The company was last paid by Paymaster P. Muhlenberg, for six months, up to the 30th of June, 1839, in bills of the United States Bank, which money is now mostly in the men's possession, they having had no occasion or inducement to expend it here.

“ Yesterday Mr. Bennett offered to pay the company four months' pay in bills of the Charleston banks, of denominations from \$20 down to \$2, giving each man one five-dollar gold-piece; the men refused to receive their money, and Mr. Bennett left the post without paying the company.”

Extract of a letter from late Additional Paymaster Richard Bennett to the Paymaster General, dated November 25, 1839.

“ I paid Captain Morris's company, of the 2d infantry, at Fort Moniac, but Captain Barnum's company declined being paid after I arrived at Fort Gilmer, although I had previously written and informed him the precise kind of funds I should have to pay his men with, and requested him to write me at Moniac, and say whether he wished me to go and pay them. He answered my letter, and said he did wish me to come and pay; and I accordingly went up. On my arrival, he concluded his men had better not be paid, and went out and consulted, and determined not to have them paid; he said *he should* write to the Adjutant General, and let him know that the paymaster came there to pay his men in paper-money; this he was informed of beforehand, and of the very kind of paper, saying I would give each man one gold-piece of \$5.

“ Colonel Andrews paid me nothing but Charleston money, and placed in my hands, to pay volunteers and regulars, between \$60,000 and \$70,000, in the Planters and Mechanics' Bank of Charleston. I told him I was sorry he cashed his drafts in that money; he said it was perfectly good, &c. I, of course, had to take it, and hope to be able to pay out what I have; but if objection should be made, I must insist on Colonel Andrews's taking it back. I have paid out \$13,000 or \$14,000 of it.”

Copy of a letter from the Paymaster General to the Hon. Secretary of War.

PAYMASTER GENERAL'S OFFICE,
November 2, 1839.

SIR: I presume the paragraph in a St. Louis paper refers in part to a draft of \$90,000, exchanged by Paymaster Rector for paper of the Bank of the United States. The circumstances, so far as I am acquainted with them, are as follows:

On the second of October, I recommended that sum to be furnished him for the payment of the troops in his district, principally stationed at Fort

that it would in any way interfere with the arrangement, he must endeavor to get possession of the action. He afterward informed me that he had the subject, who told him he had no objection before the suspension of specie-payments by the still of opinion that the notes will be more acceptable, and that he will be able to dispose of them at a premium.

Respectfully, your obedient servant,

N. TOWSON

Hon. J. R. POINSETT,

Secretary of War.

*Copy of a letter from the Paymaster General to
Rector.*

PAYMASTER GENERAL

SIR: I send you a copy of my letter to the Section of the exchange you made of the 'Treasurer's Bank of the United States' notes. This explanatory paragraph in the St. Louis paper concerning the transaction in letters addressed to the Secretary on the subject, answer any further inquiries that may be made communicate to me, as soon as you receive this, how much money; whether you exchanged any part of it in specie; and on what terms it was exchanged; whether it was willingly, or objected to be paid in it; and of the commanding officer, and sutler, written opinion of Gibson, of the United States Bank paper, as correct, and after the suspension of specie-payments I send them to me, with any other statements in ex-

*Extracts of a letter from Colonel Wharton Rector, paymaster
Paymaster General, dated Van Buren, Arkansas, December 22,*

"I this day had the honor to receive your several communications dated November 1, 4, 9, and 11, together with a copy of your letter to the Secretary of War, dated November 2.

"The United States paper was willingly received by all, and is preferred to any other paper that could have been paid in this quarter. For the specie which was required to make the payments, I procured United States paper at par. The statement of the sutler and commissary officer will be forwarded by the next mail."

Copy of a letter from Paymaster Wharton Rector to the Paymaster General.

VAN BUREN, ARKANSAS,
December 23,

GENERAL: I enclose herewith a statement of the most respectable merchants of this place in relation to the value of the notes of the United States Bank in this country. For the character of the gentlemen who signed this paper, I refer you to the Hon. A. H. Sevier and W. S.

Very respectfully, your obedient servant,

W. RECTOR,
Paymaster U. S. A.

Gen. N. TOWSON,
Paymaster General,
Washington city.

VAN BUREN, ARKANSAS
December 23,

SIR: Your note of this morning is at hand, together with a copy of a letter to you from General N. Towson, Paymaster General, inquiring relative value of United States notes as compared with specie in this country. In reply, I can assure you, the notes of the United States Bank are at this time equal to specie, and within the last five days, have seen a premium of two per cent. paid for them over specie.

I am, sir, respectfully, &c.,

JOHN DRENNIS

Col. WHARTON RECTOR,
Paymaster United States Army.

We concur in the above statement.

SAMUEL PA
SAML. TAGG

I consider the paper of the United States Bank, Philadelphia, as equal to specie, and preferable to any other bank paper that can be circulated in this country.

J. A. SCOTT

*Extract of a letter from Paymaster Rector to the Paymaster
dated Van Buren, Arkansas, January 1, 1840.*

"I have the honor to enclose, herewith, Sutler Nowland's relation to the funds paid by me to the troops at Fort Gibson, signed by the general and Major Riley."

FORT GIBSON, *December*

DEAR COLONEL: It gives me great pleasure to be able, in covering a communication from the Paymaster General's Office, to answer the questions therein contained, regarding the kind of funds paid to the troops at this post.

The money paid by you, was United States Bank paper and gave full and entire satisfaction to all. You could not have paid paper that would have given the same satisfaction, save that notes, United States Bank paper previous to the suspension of the currency, had been procured in this country under from 2½ to 5 per cent. at this time silver can be procured for it at par wherever found.

Had you offered St. Louis money at the payment, I am certain I could not have given satisfaction to officers or men, and as to myself, I am aware, I could not have converted it into eastern funds without loss.

Yours, respectfully,

E. W. B. NOWLAND

Paymaster Rector,
Van Buren, Arkansas.

We concur in the statement within made by Sutler Nowland.

M. ARBUCLE
Brevet Brig. General
B. RILEY,
Major 4th Infantry, 1st

WAR DEPARTMENT
Office Indian Affairs, March

SIR: In answer to so much (viz, the last clause) of the resolution of the Senate of the 30th December last, referred by you for a report, I have the honor to state, that this office is not in possession of any "information" which has it "reason to believe that any of the Government credits have been paid in depreciated currency since the general resumption of the currency."

Very respectfully, your most obedient servant,

T. HARTLEY CRANE

Hon. J. R. POINSETT, *Secretary of War.*

ENGINEER DEPARTMENT,

Washington, March 24, 1840.

SIR: In answer to so much of the resolution of the Senate dated December 30, 1839 (copy of which is herewith), as requires "the names of all banks which have refused to pay the Government demands in specie when demanded, with all the circumstances of such failure, and the correspondence to which it led, since the general resumption of 1838;" also, information "whether any of the Government creditors have been paid in depreciated currency since the general resumption of 1838," I have the honor to report, that inquiries have been addressed on the subject to all the officers and agents of this department, who have all replied promptly to the same.

The only banks reported as having refused to pay the Government demands in specie, when required, are: the Moyamensing Bank, of Philadelphia; the Exchange Bank, of Newport, Rhode Island; and the Bank of Missouri, St. Louis, Missouri.

Copies of the correspondence growing out of the refusal of the Moyamensing Bank, and of the letters of Lieutenant Mason and Major Ogden, informing the department of the refusal of the Newport and St. Louis banks, are enclosed herewith, as required.

It appears that "the Government creditors have been paid in depreciated currency" at Newport, Rhode Island, by Lieutenant J. L. Mason, in consequence of the suspension of the Exchange Bank above mentioned.

Philadelphia—by the Moyamensing Bank (it is presumed. See Lieutenant Meigs's letter herewith).

Mobile, Alabama—by Captain J. G. Barnard. (See his letter herewith.)

I am, sir, very respectfully, your most obedient,

JOS. G. TOTTEN,
Chief Colonel and Engineer

Hon J. R. POINSETT, *Secretary of War.*

FORT ADAMS, *January 14, 1840.*

SIR: Your letter of the 8th inst., covering copies of two resolutions passed by the Senate on the 30th ultimo, has been this day received.

On the subject of the first resolution, I have to state, 1st. That from the commencement of my disbursing agency in July, 1839, until the suspension of the Newport Exchange Bank in October, 1839, and from the time that Bank resumed specie-payments (about the last of November) until the present moment, *every* Treasury draft received by me was endorsed and made payable to the cashier of that bank, who, in every case, gave me credit for a deposit in amount *exactly* equal to the amount of the draft.

2d. That during the suspension of the Newport Exchange Bank in October and November, I received four Treasury drafts; one of them being upon the Bank of America in New York (a specie-paying bank), was collected by me in the notes of that bank, and the three others were paid to me in gold by the collectors against whom they were drawn.

3d. That I have never disposed of Government drafts in any other modes than these abovementioned.

On the subject of the second resolution, I have to state, 1st. That the Newport Exchange Bank, in which I had a deposit of about \$3,000, at

Their accounts for the fourth quarter of 1839, recently rendered, will show that these payments have been.

I have the honor to be, sir, your obedient servant,

M. C. MEIGS,
Lieutenant of Engineers.

Col. Jos. G. TOTTEN,
Chief Engineer.

ENGINEER DEPARTMENT,
Washington, October 22, 1839.

SIR: Enclosed you will find copies of two letters from the Secretary of the Treasury—one of May 26, 1837, to the President; the other of October 15, 1839, to the Secretary of War—both on the subject of the deposits of public funds during the suspension of specie-payments.

You will please ascertain, 1st. If the Moyamensing Bank is willing to make the payments, for the works under your charge, in specie; 2d. If not, whether there is any sound bank in Philadelphia that will; 3d. In the event of there being no such bank, whether the Moyamensing Bank will enter into the obligation designated in the second provision of the Secretary's letter to the President, viz: to make payments required punctually in such kind of money as was placed in said bank. You will report without delay to the department, to the end that measures may be taken to secure the public payments referred to if possible in specie.

I am, very respectfully, your obedient servant,

J. G. TOTTEN,
Colonel and Chief Engineer.

HENRY BELIN, Esq.,
Philadelphia, Penn.

MOYAMENSING BANK,
Philadelphia, October 25, 1839.

SIR: I answer your inquiry of this day by observing that the Moyamensing Bank has performed, for several years, the duties of disbursing agent for Forts Delaware and Mifflin, the breakwater, &c.; and, in order to perform the duties, kept and paid a clerk, and took the responsibility and risk of settlements.

As disbursing agent, the Moyamensing Bank received no compensation for a year past. The deposits for the disbursements being small, and immediately paid over, therefore no use could be made of the money for discounting notes; and the accounts, although unprofitable, were retained, in expectation of receiving larger deposits in future. Under such circumstances, the board of directors of this bank do not calculate that specie will now be demanded on balances on hand, when events not under their control produced a general suspension of specie-payments in this city.

The Moyamensing Bank will receive on special deposit, and make payments, in such kind of money as will in future be placed there; but as this new mode will prevent the bank from using the money thus special-

Colonel J. G. TOTTEN,
Chief Engineer, Washington.

PHILADELPHIA

SIR: Your letter of the 23d instant was received the 24th, owing to some mistake at the post of

I have presented my account for services rendered from the 1st of October to the 24th of November, at \$6 per diem, equal to \$330), to the Major of the Engineer Department, and payment for the same in bank-bills, which are at a depreciation of 10 per cent currency. These bills I declined taking; and will be paid in such funds as the regulation directs.

I am, sir, very respectfully, your obedient

Colonel J. G. TOTTEN,
Chief Engineer, Washington, D. C.

WASHINGTON

SIR: In compliance with the circular of the Major of the Engineer Department, transmitting two resolutions of the United States, requiring certain information from you, I have to state:

1. That I have never sold a Government draft

the draft was applicable to the improvement of the Dog-river bar; and the sale was made because the contracts and estimates for this work, and the Choctaw pass, were necessarily founded upon the existing currency; inasmuch as a large amount of the funds applicable to the latter work was lying in the bank just mentioned, and was only available in the form of its notes.

With regard to the second resolution of the Senate, I have no information to give.

I am, sir, very respectfully, your most obedient servant,

J. G. BARNARD,
Captain of Engineers.

Colonel J. G. TOTTEN,
Chief Engineer, Washington, D. C.

ORDNANCE OFFICE, *March 30, 1840.*

SIR: In reply to the second paragraph of the resolution of the Senate of the United States of December 30, 1839, I have the honor to state, that refusal of the kind referred to has taken place with regard to any demand made by the disbursing officers of this department.

In reply to the last part of the said resolution relating to Government creditors having been paid in depreciated currency since the general suspension in 1838, this department has no knowledge, nor has it reason to believe that any such payments, as referred to, have been made. It appears, on the last cash account of the paymaster at Harper's ferry armory, that the Government is credited with \$1,697 76, as the net amount of premiums on \$20,000 of Treasury drafts, sold in November last; from which circumstance it is inferred that the \$20,000 have been paid to the Government creditors in Bank paper current at that place, and the difference carried to the credit of the United States, in conformity to instructions of the War Department, dated August 10, 1837.

I have the honor to be, sir, respectfully, your obedient servant,

G. TALCOTT,
Lieut. Col. Ordnance.

Hon. J. R. POINSETT,
Secretary of War.

OFFICE OF COMMISSARY GENERAL OF SUBSISTENCE,
WASHINGTON, *May 7, 1840.*

SIR: In reply to that portion of the resolution of the Senate of 30th December, 1839, relative to Government creditors being paid in depreciated currency since the general resumption in 1838, I have the honor to report that this department has no reason to believe that any of the Government creditors have been paid, by its agents, in depreciated currency since the general resumption in 1838.

Very respectfully, your most obedient servant,

J. H. HOOK,
Acting Com. Gen. Subs.

Hon. J. R. POINSETT,
Secretary of War.

BUREAU OF TOPOGRAPHICAL
Washington

SIR: In a resolution of the Senate, dated December 3 information, there is a paragraph in the following words

"Also, to inform the Senate whether any of the dep formation, or have reason to believe, that any of the Gov have been paid in depreciated currency since the gen 1838."

In answer thereto, I have the honor to state that I hav nor have I reason to believe, that any agent of this burea ments in a currency of the kind referred to.

Very respectfully, sir, your obedient se
J.

Col. T

Hon. J. R. POINSETT,
Secretary of War.

QUARTERMASTER GENERAL,
Washington city,

SIR: Under the last clause of the second resolution of 30th of December last, I have the honor to report that I h tion of any of the creditors of the public having been pa currency since the general resumption in 1838, except u to, in my report of the 12th instant, of notes of the Bar States having been received and paid by certain officers of therein named; but, from information received this morn to believe that, shortly after the last suspension of spec Bank of the Metropolis of this city paid several of the pub of their claims in the paper currency of this District. I from Captain Hetzel on the subject: and

I am, sir, respectfully, your obedient servant,
TH. S.

Quartema

Hon. J. R. POINSETT,
Secretary of War, Washington city.

ASSISTANT QUARTERMASTER'S
Washington, D. C.,

GENERAL: A short time previous to the suspension of in 1839, I entered into contracts with Messrs. Lambert & F. & N. H. Dodge, of Georgetown, for the delivery of f Before the shipments were made, the banks suspended, and my disposal were deposited in the Bank of the Metropo The bank, I understood, refused to pay specie on my chea cashier satisfied the check-holders by paying them a pro Some complaint was made to me at the time by the perso sequence of the refusal of the bank to pay specie. I info

as not in my power to remedy it ; that I had not foreseen that the bank could suspend, and that I could only pay them the amount of their claims on checks on that bank. I had about \$20,000 on deposit ; at the time of which upward of \$10,000 belonged to the Ordnance Department. As soon as this sum was exhausted, the directors of the bank bound themselves to me to pay specie on my checks if an equivalent was deposited, and ever since check-holders have received specie or drafts on New York at their option.

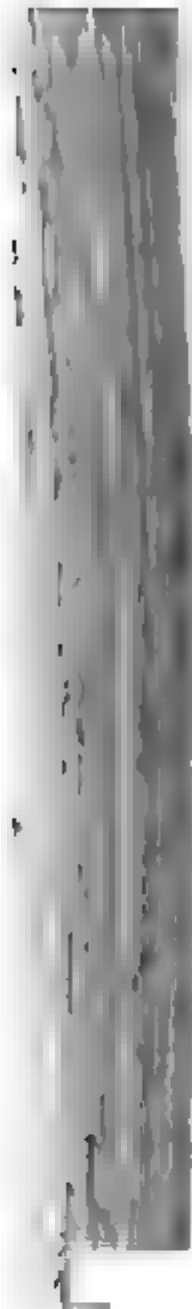
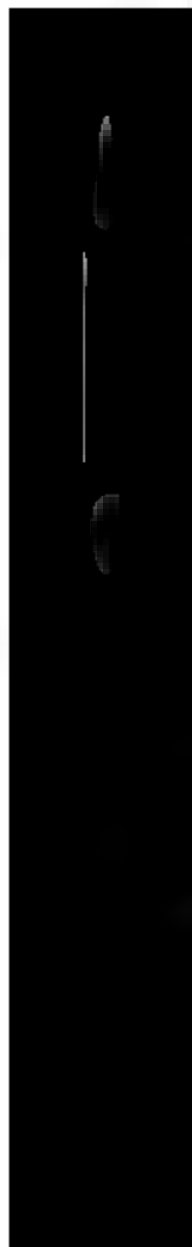
I have the honor to be, very respectfully, your obedient servant,

A. R. HETZEL,

Capt. and Ass't. Quartermaster.

Maj. Gen. T. S. JESUP,

Quartermaster General.



REPORT

FROM

THE SECRETARY OF WAR,

TRANSMITTING

in compliance with a resolution of the Senate, a copy of Captain Sanders's report on the improvement of the falls of the Ohio river.

JUNE 5, 1840.

Laid on the table, and ordered to be printed.

WAR DEPARTMENT, *June 4, 1840.*

SIR: I have the honor to transmit, herewith, a communication of the Chief Engineer, enclosing a copy of Captain Sanders's report of February 1840, on the practicability of improving the falls of the Ohio river, called for by a resolution of the Senate of the 3d instant.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Wm. R. M. JOHNSON,

President of the Senate.

ENGINEER DEPARTMENT,

Washington, June 4, 1840.

SIR: I have the honor to hand you, herewith, a copy of the report of Captain Sanders, of the corps of engineers, on the practicability of improving the falls of the Ohio river; called for by a resolution of the Senate of the 3d instant.

I am, very respectfully, sir, your obedient servant,

JOS. G. TOTTEN,

Colonel, and Chief Engineer.

Wm. J. R. POINSETT,

Secretary of War.

OFFICE OHIO RIVER IMPROVEMENT,

Pittsburg, February 20, 1840.

SIR: The improvement of the natural channel of the river at the falls of the Ohio having attracted anew the attention of Congress, I presume anything tending to establish its susceptibility will be acceptable to

W. Rives, printers.

He joined Mr. George Gretsinger (falls pilot), who was on the rocks, and assisted him with his advice. His advice was so favorable that, as soon as I was able to hire laborers and prosecute the work until I will give some extracts from his reports: October twenty-eight blasts up to last night. If we had thirty, and about fifty men, we could make it safe to go down at any stage. I am in favor of stopping so that it will turn all the water into the channel at work in. The reef of rocks is so high that it goes to the middle chute, but would have to come into little 'slues' take off nearly half the water. No chute ten feet wide, and they have a solid rock bottom." I continued to work at the falls since my first stopping, getting too cold and deep for the men to work. The men are not willing to work any longer. I have two men from the Indiana State prison at work on the Wave rock. We have had some twenty men at work at the falls in the past times, but there were none except the men on the boat who could stand it more than two or three days. Those who belong to the falls think we have made twenty times more there was before we had done any thing, and the channel is wider than it was. Captain Gretsinger had taken some points before I arrived, therefore I cannot say positively there is that much more water. Captain Will Robert Baldwin & Co., has been with me near the falls while we were operating, and he is one of the best navigators. He has taken great interest in having the falls improved, and has passed over the falls as often as any other person, and he says he would not be afraid to risk one foot more than twenty inches lower than he would last year.

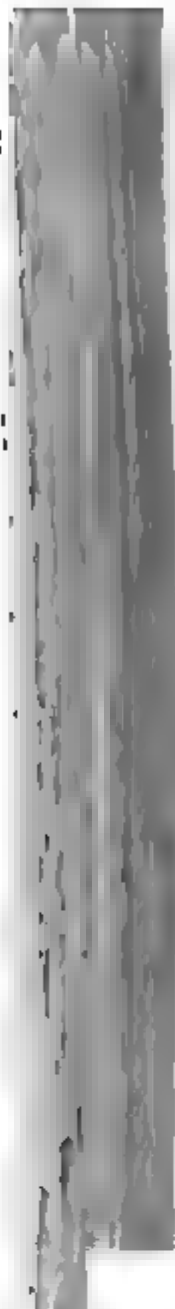
and expended in the improvements. Mr. Dillingham superintended, under Captain Shreve, the blasting and removal of the rocks from the Grand Chain, near the mouth of the Ohio. He has been ten years on the various improvements of the Ohio, Mississippi, Red, and Arkansas rivers. His experience and judgment entitle his opinion to respect. It has not been in my power to visit the falls at low water.

An examination made at the common navigable stage is very far from being satisfactory. However, my observations at other points of the river, added to what I have seen of the falls and the information derived from the most experienced *river men*, satisfy me that at least the downward navigation of the falls can be so improved that a boat coming from above, at all times, pass over them without difficulty. Even if the ascending navigation may not be so far improved as to allow a boat at the lowest stage of water to propel herself up; yet if the channel is straight and its depth sufficient, the boatmen would readily warp the boat through the worst part of the current. Under this conviction, I embraced the falls as my estimate for carrying on the improvements of the navigation of the Ohio during the coming season. The improvements I propose, would be to finish the work commenced by Gretsinger and Dillingham in 1838. The plan being simply to widen and straighten the best channel, and, at the same time, to remove all the inequalities from its bottom without attempting to excavate it deeper, and, in addition to this, to stop up all other passages for the water so as to deflect it when not higher than a five foot stage into the selected channel. The result will be obtained without increasing the discharge of the falls or draining the pool above. There can be no just reason to apprehend any injury to the harbor of Louisville. Indeed Louisville, as well as all the other ports on the upper Ohio, would be, in a great measure, freed from the onerous tax now paid to the navigation company by their steamboats and other river craft.

Respectfully submitted.

JOHN SANDERS,
Captain of Engineers.

Col. Jos. G. TOTTEN,
Chief Engineer, Washington, D. C.





MILITIA OF THE UNITED STATES.

IN SENATE OF THE UNITED STATES, June 8, 1840.

That the report of the Secretary of War to the House of Representatives of the 20th 1840, transmitting a plan for the reorganization of the militia of the United States; of the Secretary of War of April 9, 1840, explanatory of the same; together with the report of the Committee on the Militia of the House of Representatives, submitted January 9, 1818, and January 22, 1819, be printed for the use of the Senate.

ASBURY DICKINS, *Secretary.*

from the Secretary of War, transmitting a system of reorganization of the militia of the United States.

WAR DEPARTMENT, March 20, 1840.

In compliance with the resolution of the House of Representatives of the 20th instant, "that the Secretary of War be requested to communicate a plan, in detail, for the reorganization of the militia of the United States," I have the honor to submit the following report:

The impossibility of guarding our exposed frontiers by the small regular force of the United States, renders it necessary that some plan should be adopted to make the militia available without burdening the country, by too great an expense in maintaining it in the field, or by abstracting too large a number of useful citizens from the productive labors of agriculture or of the mechanic arts.

The mass of the militia of the United States, as at present organized, fall short of one million five hundred thousand men; and every time they are mustered for inspection or exercise, abstracts at least one dollar from the earnings of labor, without adding any thing to the military efficiency of the country, and too often affecting adversely the moral condition of those who are assembled for the purpose. The little instruction they receive on such occasions, without discipline, subordination, or knowledge of the use of arms, and totally ignorant of the manner of taking care of themselves or of each other in the field, militia, if called out in mass, would rather prove a burden than an aid to the army employed in the defence of the country, as is shown by the experience of General Washington, repeatedly expressed in his correspondence, as well as by the result of more recent events during the last war. It is true that, in the principal cities of the United States, there are to be found well-organized, disciplined, and soldierlike companies, battalions, regiments, brigades, and divisions, of volunteers; men who, individually and collectively, would do good service in the field. But any one acquainted with war knows that to fight bravely, and even to manoeuvre

es, printers.

coolly and skilfully, on the field of battle, are not the most qualifications of the soldier. They are, perhaps, the most commonly called into action. Soldiers must be taught their march, and in the field, in marching and encamping, in the military administration of an army. This instruction, so essential which it is impossible to form the soldier, cannot be given by officers nearly as ignorant of these branches of the soldiers themselves. I speak of the generality of the militia must be imparted by veteran and skilful officers, in garrison and to men and officers alike: and it must be imparted to all. Any attempt to organize, discipline, and render every way in the field, the unwieldy mass of the militia of this vast country soon ascend to two millions of men, must fail for want of men the country exposed to the terrible disasters which will burst of war upon its frontiers, if they are to be defended by disciplined multitudes.

It has been supposed that it will be sufficient to instruct the militia and that the privates can, under well instructed officers, be drilled instantly, by the magic voices of good commanders. This is a most dangerous error. In the first place, it requires a soldier, under the most practised, experienced, and skilful command, our soil might be polluted by the foot of the invader, our cities taken and our forts occupied, before our armed citizens could be brought to the elements of tactics, or the simple use of the firelock. And, to prove a fatal error to suppose that an officer can be formed as a private. The habit of command, the prompt eye, the self-possession in moments of difficulty and danger, which go with confidence and courage, and are so essential to secure obedience, are the result of practice. The officers and privates together in the field, must be drilled together, and practised in the duties of obedience and the other to those of command.

Satisfied that an efficient force cannot be created by drill alone, as well as of the impracticability of rendering the whole militia available, at the same time, for the defence of the country, I am convinced, from the experience of our past wars, that it is necessary to organize and discipline a select body of citizen soldiers, who, in a moment of danger, will know their stations, and their duties when assembled. I have, who, although separated from the mass for a short time, will impart to it the military knowledge and experience they have acquired during their period of service, I have prepared the plan, the details of which are herewith submitted, agreeably to the resolution of the House of Representatives. I believe that, on examining them, it will be apparent that they are not liable to any one of the objections that are urged against large standing armies: but, on the contrary, that it will form a select body of militia, ready themselves to defend their country in the event of an attack, and against any sudden attack, and furnishing a corps, around which an instructed mass may rally; possessing, in some degree, the discipline and skill of regular soldiers, they will be able alike to defend the country from a foreign foe, and to guard its liberties from internal enemies who may threaten them.

It appears to me that the organization now proposed will obviate the necessity of maintaining large standing armies, even in time of war.

militia, promptly drilled and instructed, will be thereby rendered perfectly efficient, and capable of defending the forts along our maritime frontier, which, in the absence of such an organization, would require a regular army of fifty thousand men. At present, the militia cannot be rendered immediately available against a surprise, whereas, under the proposed organization, they would repair to their stations at the first alarm, and would be efficient soldiers when there. In case of war, those stations would become permanent, and arrangements might easily be made so as to render the service as little burdensome as possible to the artisan and mechanic.

Every precaution has been taken to avoid all interference with the rights of the States, or to lessen their means of defence. The militia will be called out in the manner at present provided for by law, and no change is contemplated in the mode of officering the several corps of which the active class will be composed.

It will not abstract a single man from the defence of the State where he resides, nor separate him from the class of citizens to which he belongs. It will, on the contrary, strengthen the defences of each State, by furnishing it with a well organized and well-disciplined force, taken from the people, and making part of the people equally interested with their fellow-citizens in the preservation of free institutions, and ready at all times to guard the territory and the liberty of their country. Neither does it interfere, in any manner, with the constitutional rights of the States to train their own militia according to the discipline prescribed by Congress, because the active militia will be employed by the President during the period they are preparing for warlike service in garrison and in the field. And while the States have all the advantages which may result from a well-organized and disciplined militia, they will, at the same time, be exempt from the losses, expenses, and evils, which follow, necessarily, from the assemblage of large multitudes for merely a nominal military instruction. It is to be considered, also, that a portion of the militia are provided with opportunities for the attainment of the essentials of military knowledge; and, at the same time that they relieve the remainder from an onerous and useless burden, they themselves will not be oppressed by an undue amount of military service being required of them: but, on the contrary, by comparing the time which, under the present system, is devoted to that object, it will be found that there is but very little additional service, if any required, and for that time they will be sufficiently compensated. The compensation contemplated is adequate under a good administration of the laws proposed, which are to be made uniform in their application, by regulations to be issued by the President, so as to prevent any expense to the citizen who is thus called out; though it may not rise, in amount, to the sum which his pursuits in social life might afford. The total amount required to recompense the militia to be called out for exercise will be trifling, when compared with the loss of time experienced by our fellow-citizens under the present imperfect organization, and of the serious evils to which the youth of the country are exposed by the frequent attempts now made to impart to them a very imperfect knowledge of the duties of the soldier. The subjoined plan will, it is believed, tend to diminish, if not entirely remove, such evils, and will also, by engendering an *esprit du corps* throughout the militia of the several districts, elevate in the mind of every citizen the character of the duties which he is required to perform, and thus make more certain the results which are hoped for by this system of military precaution and defence. In preparing the details of

the proposed reorganization of the militia of the United States, I am governed by an earnest desire to place the country in an attitude of defence, and, at the same time, to secure it from the necessity of maintaining for a period a large standing army ; to render the militia effective, without drawing too large a number of our fellow citizens from their occupations at any one time ; and to diffuse throughout the community, generally, a knowledge of military service, without taxing the Treasury too heavily. All this, it appears to me, will be effected by drilling, during four or five hundred thousand men, for a period not exceeding thirty nor less than ten days in each and every year, at such times as may least interfere with ordinary occupations ; and, for an equal term, keeping that force so organized that it may serve as a reserve, ready to act in cases of emergency. In the meanwhile, ordinary militia duty, such as is now required in the several States. The expense of the system, which, if carried out, will place the United States in an impregnable state of defence, will not exceed \$1,362,093 yearly, if the maximum number of days for drill be ascertained by Congress ; and, as it is believed, that ten days in each and every year will prove sufficient, the annual expense will be less than \$500,000.

Details of the proposed system.

It should be provided—

1st. That each and every free able-bodied white male citizen of the respective States, resident therein, who is or shall be of the age of twenty-one years and under that of forty-five years, (with the exceptions hereinafter stated severally and respectively, be enrolled in the militia by the commanding officer of the company within whose bounds such citizen resides ; and that it shall be the duty, at all times, of every such commanding officer of a company to enrol every such citizen as he enrolls, and, also, those who shall, from time to time, arrive at the age of twenty-one years, or who, being of that age and under that of forty-five years, (with the exceptions hereafter named,) shall come to reside within his company ; and that he shall, without delay, notify such citizen of the said enrolment, and the proper non-commissioned officer of the company, by whom such enrolment may be proved : that every citizen so enrolled and notified, shall, within three months thereafter, provide himself with a good musket, bowie-knife, and city to receive a lead ball of eighteen in the pound : a sufficient quantity of powder and belt ; two spare flints ; a knapsack ; cartridge-box, to contain twenty-four cartridges suited to the bore of his musket, and each cartridge to contain a ball and three buck-shot, and a sufficient quantity of powder, or with a good rifle, knapsack, shot-pouch, and powder-horn or powder-corn, and sufficient powder and ball for twenty-four charges, and two spare cartridges ; and that he shall appear so armed, accoutred, and provided when called out for exercise or into service ; and every citizen so enrolled and notified shall provide himself with the arms, ammunition, and accoutrements, required by the said, shall hold the same exempted from all suits, distresses, executions, or sales for debt, or for the payment of taxes.

2d. That the Vice President of the United States, the officers of the Senate and executive, of the Government of the United States ; the members of both Houses of Congress and their respective officers ; all customs officers with their clerks ; all post-officers and stage drivers, who are employed in the care and conveyance of the mail of the post office ;

1 States ; all ferrymen employed at any ferry on the post road ; or inspectors of exports ; all pilots ; all mariners actually employed in the service of any citizen or merchant within the United States ; and all persons who now are, or may hereafter be, exempted by the laws of the respective States, shall be exempted from militia duty, notwithstanding their being above the age of twenty and under that of forty-five.

3d. That the citizens thus enrolled shall constitute the FIRST CLASS, and be denominated the MASS of the militia ; and the said MASS shall be divided into divisions, brigades, regiments, and companies, and be organized as follows, to wit : a company (infantry or rifle) shall consist of one captain, one first and one second lieutenant, four sergeants, four corporals, one drummer, one fifer or bugler, and eighty privates. A company of dragoons shall consist of one captain, one first and one second lieutenant, four sergeants, four corporals, one farrier, two buglers, and sixty privates.

A company of artillery shall consist of one captain, two first and two second lieutenants, four sergeants, four corporals, three artificers, one drummer and fifer, or two buglers or trumpeters, and eighty privates. A regiment shall consist of one colonel, one lieutenant colonel, one major, one adjutant, with the rank of first lieutenant, one quartermaster, with the rank of captain, one paymaster, one surgeon, one assistant surgeon, one sergeant major, one quartermaster sergeant, two principal musicians, and ten companies. A brigade shall consist of one brigadier general, with one aid-de-camp, having the rank of captain, two brigade inspectors, with the rank of major, and two regiments. A division shall consist of one major general, with two aids-de-camp, with the rank of major, one division inspector, with the rank of lieutenant colonel, one division quartermaster, with the rank of major, one judge advocate, and four brigades.

4th. That from each regiment of the MASS there shall be formed two companies to serve as light infantry or riflemen ; and that to each division of the MASS there shall be attached one company of artillery and one company of horse, formed of volunteers, at the discretion of the commander-in-chief of the State, not exceeding one company from a brigade, and shall be clothed and equipped at their own expense, the color and fashion to be determined by the brigadier general commanding the brigade to which they belong. That the commissioned officers of the artillery and infantry shall be armed with a sword of such description as is commonly denominated cut and thrust. That the commissioned officers of cavalry shall furnish themselves with good horses of at least fourteen and a half hands high, and be armed with a sabre and a pair of pistols and holsters for the same. Each dragoon to furnish himself with a serviceable horse at least fourteen hands and a half high, a good saddle, bridle, valise, breastplate, and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and cartouch box, to contain twelve cartridges for pistols.

5th. That each regiment shall be provided with the State and regimental colors, and each company with a drum and fife, or bugles, as the Legislature of the respective States shall direct.

6th. That the divisions, brigades, and regiments, into which the MASS is divided shall be numbered at the period of their formation, and a record hereof made in the adjutant general's office of the State ; and when in the field or in service in the State, that they shall respectively take rank according to their numbers, reckoning the lowest number highest in rank ; and, also, that the relative rank of different corps shall be as follows : 1st caval-

execution and perfecting the system of discipline to furnish blank forms of different returns that explain the principles on which they should be filled up by several officers of the different corps throughout the militia under their commands, reporting the accoutrements, and ammunition; their delinquencies, which relates to the general advancement of the militia of which the several commanding officers of regiments, and companies should be required to make a return, and in such form and at such times as the respective States may direct, so that the said adjutant general should be furnished therewith; and the said adjutant general should annually make an abstract of the same to the commander-in-chief of the State: and the return of the militia of the State to which he is to report accoutrements, and ammunition, to the adjutant general of the United States, on or before the first Monday of February, annually. And it should be made the duty of the Secretary of War to give such directions to the adjutant general as may be necessary to produce uniformity in the returns, and should lay an abstract of the same before Congress of February, annually.

8th. That it shall be the duty of the brigade and regimental and brigade meetings of the militia commencing during the time of their being under arms; to inspect the militia, and accoutrements; to superintend their exercise, and introduce the prescribed system of military discipline, and such orders as they shall, from time to time receive from the commander in chief of the State; to report to the commander in chief of the State, at least once in each year, the condition of the militia, and the state of the arms and accoutrements.

territory, and District of the United States, by draft, or by voluntary service, number between the ages of twenty-one and thirty-seven years, so that whole may not exceed 100,000 men, and in the following proportions each State, Territory, and District, respectively, to wit: Maine 4,400; New Hampshire 2,400; Vermont 2,400; Massachusetts 6,000; Connecticut 2,800; Rhode Island 800; New York 18,000; New Jersey 2,800; Pennsylvania 10,400; Delaware 800; Maryland 3,200; Virginia 6,000; District of Columbia 400; North Carolina 4,400; South Carolina 2,400; Georgia 2,800; Florida 400; Alabama 2,000; Mississippi 800; Louisiana 2,000; Tennessee 4,400; Arkansas 400; Missouri 1,200; Iowa 400; Kentucky 4,400; Illinois 1,200; Indiana 2,800; Ohio 8,000; Michigan 800; Wisconsin 400 men. This force to constitute the second class, and be denominated the **ACTIVE OR MOVEABLE** force.

11th. That the **ACTIVE OR MOVEABLE** force shall be divided into companies and battalions, and be organized as follows: A company shall consist of one captain, one first and one second lieutenant, four sergeants, four corporals, one drummer and one fifer, and ninety privates. A battalion shall consist of one major, an adjutant, with the rank of first lieutenant, one quartermaster, with the rank of first lieutenant, one sergeant-major, one quartermaster sergeant, and four companies. And that the said **ACTIVE OR MOVEABLE** force shall be held to serve as such, and be governed by such rules as may be prescribed, for the period of four years—one-fourth of the same in each State, Territory, and District, going out annually; the order of succession to be determined in the first instance by lot.

12th. That there shall be a third class of the militia of the United States, to be denominated the **RESERVE OR SEDENTARY** force, which shall be organized in the same manner as the **ACTIVE** force. And that the **RESERVE** force, so organized, shall be composed of all those who shall have served the legal time indicated for the second class, and be held to serve for four years in the same; at the expiration of which time, they shall return to the **MASS**, and be subject to no further military or militia duty, unless in cases of invasion, or a *levée en masse*. And such portions of the **ACTIVE** force as may go out of the same annually, shall forthwith be considered as belonging to the **RESERVE OR SEDENTARY** force; and after the termination of the first four years' service of any portion of the **RESERVE**, one-fourth of that body shall go out of service annually, in the same manner as prescribed for the second class.

13th. That the deficit occasioned by the transfer annually of one-fourth of the **ACTIVE** to the **RESERVE** force, and by the discharge annually of one-fourth of the **RESERVE**, be yearly supplied by a draught, or by voluntary service, from the **MASS**.

14th. That for the greater convenience of instruction and discipline of the **ACTIVE** and **SEDENTARY** force, the territory of the United States shall be divided into ten districts, which, until otherwise directed by law, shall be composed as follows:

1st district.		2d district.	
Maine,	} 9,200 men.	Massachusetts,	} 9,600 men.
New Hampshire,		Rhode Island,	
Vermont,		Connecticut,	

or their instruction, discipline, and improvement in military knowl-

That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be the duty of the President of the United States to call forth such number of militia of the States or States most convenient to the place of danger or action, and in the order provided for in the 15th head, and as he may deem necessary to repel such invasion; and to issue his orders to the militia. And in case of an insurrection in any State against the Government thereof, that it shall be lawful for the President of the United States, on the application of the Legislature of such State, or of the Executive (if the Legislature cannot be convened) to call forth such number of militia of any other State or States as may be applied for, as he may deem sufficient to suppress such insurrection.

That, whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combinations, and to cause the same to be duly executed; and the use of the militia, so to be called forth, may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress; provided nevertheless it may be necessary in the judgment of the President to use the militia force thus called forth, he shall forthwith, by proclamation, require such insurgents to disperse, and retire peaceably to their respective dwellings within a limited time; and provided, also, that the militia, which is thus authorized to call forth, be of the ACTIVE, or of the PASSIVE and SEDENTARY forces, when such force or forces of the State, or of the adjoining States, shall be, in his opinion, sufficient; and when such portions of the MASS as he shall deem necessary.

That the militia of the United States, or any portion thereof, when called into the service of the United States, shall be subject to the same articles of war as the troops of the United States. And that no militia man commissioned officer, musician, or private of the militia, shall be allowed to serve more than six months after his arrival at the place of service in any one year, nor more than in due rotation with every militia man of the same rank in the regiment to which he be-

That every citizen duly enrolled in the militia shall be constantly furnished with arms, accoutrements, and ammunition, as already pointed out, and after the period when he shall have been duly notified of his enrolment; and any notice or warning to the citizens so enrolled, to appear at company, or regimental muster, or training, which shall be according to the laws of the State in which it is given for that purpose, shall be deemed a legal notice of his enrolment.

That the officers, non-commissioned officers, musicians, artificers, and privates, of volunteers and militia, when called into the service of the United States, in the manner and under the circumstances referred to, shall be paid to and receive the same monthly pay, rations, clothing, or money in lieu thereof, and forage, and be furnished with the same camp equipage as are or may be provided by law for the officers, musicians, arti-

es, in the case provided for calling forth the ACTIVE force, or parts thereof, (in the 17th head,) shall be fined, and forfeit a sum not exceeding three months' pay, nor less than half a month's pay, according to the circumstances of the case, as a court-martial may determine: and that every officer, non commissioned officer, artificer, musician or private, of the militia, who shall fail to obey the orders of the President of the United States, in any of the cases cited in the 18th and 19th heads, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged according to the circumstances of the case by a court martial; and such officer shall, moreover, be liable to be punished by sentence of a court-martial, and be incapacitated from holding a commission in the militia for a term of four years, at the discretion of the said court; and such non-commissioned officers and privates shall be liable to be imprisoned by the sentence of a court-martial, on failure of payment of fines adjudged against them, for one calendar month, for every five dollars of such fine.

9th. That all fines assessed, as described in the preceding head, shall be certified by the officer ordering the court, or the revising authority of the proceedings of the court-martial having approved of the same to the clerk of the district in which the delinquent shall reside, or to one of his deputies, and take a receipt from the said marshal or deputy, as the case may be, for the same; which receipt and duplicate, of the certificate furnished, he shall transmit for record to the adjutant general of the militia of the United States: that the marshal, or his deputy, having received the said certificate, shall forthwith proceed to levy the said fines, with cost, distress and sale of the goods and chattels of the delinquent; which distress, and the manner of proceeding with respect to the sale of the goods retained, shall be agreeable to the laws of the State in which the same shall be, as in other cases of distress: and when any non-commissioned officer or private shall be adjudged to suffer imprisonment, there being no goods or chattels to be found whereon to levy the said fines, the marshal of the district or his deputy shall commit such delinquent to jail during the term for which he shall be so adjudged to imprisonment, or until the fines shall be paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed.

10th. That the marshals and their deputies shall make a return of the amount of fines, as provided for in the foregoing head, to the adjutant general of the militia of the United States, within sixty days, counting from the date that the certificate of the assessment of the said fines is placed in their hands; and they shall also pay into the hands of the said adjutant general, within the abovenamed limit of time, all fines by them thus levied and collected, deducting therefrom five per centum as a compensation for their trouble: and in case any of the said marshals or their deputies shall fail to make the required return, or pay over to the adjutant general of the militia of the United States the fines collected, within the time above specified, it shall be the duty of the said adjutant general to inform the Solicitor of the Treasury of the United States of the same, who shall be required to instruct the district attorney of the United States to proceed against the said marshal or deputy in the district court by attachment, for the recovery of the same.

11th. That the marshals and their deputies of the several districts shall have the same powers in executing the laws of the United States as sheriffs

the respective States, distinguishing the same in which they are divided ; also, annually, on or February, to make an abstract or a consolidated lay it before the President of the United States submitted yearly to Congress. That it shall be a record or copies, in a book provided therefor, assessment of fines by the judgment of militia companies cited in the 17th, 18th, and 19th of the for record or copy of the returns of the marshals or execution of process, or the collection of the said fines the returns aforesaid are received : to keep a register of fines collected and paid over to him, and of the amount of ; and to make to the Secretary of War, on or before the 31st of December, of each year, a statement of the receipts and expenditures. The money or moneys thus paid over to the adjutant general, forthwith to be deposited in the vaults of the Treasury of the United States, and the amounts thus deposited to be passed to the credit of the adjutant general, and not to be drawn from the Treasury except for the purposes which have been specified.

34th. That the adjutant general of the militia be paid the annual salary of three thousand dollars, and without any other allowances whatsoever, for stationery as may be deemed necessary for an office of the War Department ; and that the said office be considered as one of the bureaus of the War Department, and to such rules and regulations in relation to all matters of creation, as the Secretary of War may, from time to time, think proper to prescribe.

35th. That for the duties of the office of the adjutant general of the militia of the United States, there shall be allow-

17th. That the officers, non-commissioned officers, artificers, musicians, and privates of volunteers or militia, in the service of the United States, except when called, as provided for in the 17th head, shall be entitled to like compensation, in case of disability, by wounds or otherwise, incurred in the service, as is, or may be, allowed to officers, non-commissioned officers, artificers, musicians, and privates, of the army of the United States.

18th. That the several corps of volunteers, which now exist in the several States, and in what manner soever organized, be not disturbed or deprived of their accustomed privileges; but nevertheless be subject to all restrictions as their respective Legislatures may direct, and to all other laws required by this system, in like manner with the other militia.

19th. That the Legislatures of the several States, at the earliest period of time after the adoption of this system, enact such laws as may be necessary to enrol and organize the militia of the respective States, according to the provisions contained herein: provided that, until such enrolment and organization be made, the existing laws governing the militia of each State be considered as still in force.

20th. That the term *militia* of the United States shall be so construed as to embrace within its meaning all troops of whatever description, not of the regular army of the United States.

Respectfully submitted.

J. R. POINSETT.

Hon. R. M. T. HUNTER,

Speaker of the House of Representatives.

Letter from the Secretary of War to the Chairman of the Committee on the Militia, explanatory of the plan for reorganizing the militia of the United States, heretofore submitted to the House, &c.

HOUSE OF REPRESENTATIVES, March 6, 1840.

SIR: There are several points in your proposed reorganization of the militia of the United States, which present a contrariety of opinions to the Committee on the Militia, to whom the subject was referred, and they request me to address you for the purpose of suggesting such difficulties as present themselves, and to ascertain a more full exposition of your views, that we may act with all the information that can be obtained, as connected with the subject.

By the 14th proposition of the system, the territory of the United States is divided into ten districts; and, with the exception of New York, each district is composed of two or more States. Are we to understand that the President is empowered to call out the whole force of any one of the districts at the same time, and at any point he may designate?

The interpretation of the "territory of the United States," is, by some, understood to mean the public lands and the District of Columbia, and cannot embrace the limits of the several States unless there be a misconstruction of the letter and spirit of the Constitution; which declares "a well-regulated militia as being necessary to the security of a free state."

By the 17th proposition, the power of the President to call forth and assemble such numbers of the active force of the militia as he may deem necessary, and subject them to such regulations as he may think proper to adopt for their instruction, discipline, and improvement in military knowledge, is an organization supposed to be incompatible with the 8th section

WAR DEPARTMENT

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, stating the difficulties which have suggested to the committee to which was referred the plan for the reorganization of the United States, and desiring to ascertain in what manner they are stated in the plan presented to the House.

The details of the plan for reorganizing the militia, proposed by a member of the committee, I took it for granted would be pursued, and, to avoid being tedious, did not give minute explanations. I therefore avail myself, with the opportunity now afforded me, to reply to the objections themselves to the committee. The proposition to divide the United States, by which is here meant the area embracing the geographical boundaries of the whole confederacy, is intended in order that each district may be commanded by a general who may have the general direction of the regulars and militia, but the plan contemplated that the power of the Federal Government over the militia should be restricted to assembling the militia within its own territorial limits.

With regard to the 17th article, the same difficulty presented itself to the committee, occurred to me when considering that provision of the Constitution which restricts the power of the States, respectively, the appointment of officers, the training of the militia according to the discipline prescribed by Congress. Although the word "disciplining" is susceptible of a meaning different from that given to it here, yet the subsequent reservation of the power to train the militia according to the system

es or to the citizens thereof; and when they are made aware that the intention of the Government to assemble such militia at convenient points within each State, and in the vicinity of depots of arms, which proposed to establish as part of the system.

I am, however, led to believe, from the character of our fellow-citizens, from circumstances which have come to my knowledge, that it will very be necessary to resort to militia draughts in order to fill the ranks of the active class. The volunteer corps have generally evinced so much readiness to avail themselves of the advantages to be derived from an association with regulars, and so much zeal and proper feeling, by proffering services on all occasions when they might be useful, that I cannot doubt, if the President were authorized to receive them into the service of the United States, a sufficient body of volunteers within the prescribed age might be enrolled, and the necessity for draughts altogether avoided. I propose, therefore, that this authority be granted; but restricted so as to limit the time, even of voluntary service, to a period not exceeding thirty days in each year. Aware, however, of the importance and comprehensive-ness of this subject, together with the many difficulties which surround it, it does not mean my desire to precipitate the action of Congress upon a question of such magnitude and consequence. Subsequent reflection and discussion have but strengthened my conviction of the propriety, practicability, and expediency of the proposed plan in its essential features, which I am persuaded have but to be examined with a candid mind and patriotic feelings, to secure general approbation. But these very considerations make it but more imperative that it should receive the fullest and most mature consideration, even should this have the effect of preventing final action upon it at the present session of Congress. It is, perhaps, universally proper that questions, involving, in a high degree, the great interests of the people, should be subjected to popular, as well as legislative investigation. An opinion to which the system proposed will be most cheerfully submitted. If, after maturer deliberation, there be any thing found in the system itself, or in its details, which conflicts with the rights of the States, or with the interests of our fellow citizens, the objectionable parts may be amended or expunged, or the whole system altered or abandoned.

If the committee should be of opinion that the situation of the country requires the adoption of some immediate measures to render the militia more available for defence than it now is, it is respectfully suggested that the plan submitted by the Department of War last year and the year before, would not only prove efficient, but would test the practicability of the measure now proposed.

That plan contemplated authorizing the President to receive into the service, for a given number of days in the year, volunteers to the amount of — men, at such points as he may designate, for the purpose of being trained and disciplined, and made acquainted with the duties they would be to perform at the stations they might be required to defend in the event of any sudden emergency. At this moment the most important of our naval stations and most valuable cities are exposed to be destroyed or taken, although there are brave men enough to defend them; but who require previous concert and more perfect training to render them efficient.

I am, sir, very respectfully, your obedient servant,

J. R. POINSETT.

Hon. G. M. KEIM,

Chairman of the Committee on the Militia, H. R.

REORGANIZATION OF THE MILITIA.

[Communicated to the House of Representatives, January 17,

Mr. HARRISON made the following report:

The committee of the House of Representatives, to whom a much of the President's message as relates to the reorganization of the militia, and the report of the acting Secretary of the 13th ultimo, report herewith a bill for that purpose.

The organization of regiments, brigades, and divisions, has by the committee in opposition to very high authority, been one which has heretofore been used in all the States, and appeared better suited to the tactics of the present day, than the complex system of the legion recommended by General Knox in 1790.

The mode of classification contained in the bill has been recommended in the reports of committees of the House, and the Department of War. The effects of this plan will be that the militia are called into the service of the United States, and affect the constitution of the corps as it now exists, for the sake of muster and discipline. The advantages of a system that throws men into the same corps, for the duties of the field, men of the same vigor, and throw the burden of military duty upon that class who would be enabled to perform it with fewer personal sacrifices, are the motives to its adoption.

The junior, or middle class, will be composed of men with families, or those who have none, who are in the full enjoyment of strength and activity, and whose minds will be more easily excited by military ardor and the love of glory, than those of a more advanced age of life.

In the performance of the duty assigned them, the committee have thus far without difficulty; but they considered their task not yet commenced. An organization, however perfect, is but a single step toward the desirable object; the great difficulty to be encountered is the execution of a system of discipline, or military instruction, to a general effect scattered over an immense territory.

The accomplishment of this object at once is evidently beyond the power of the Government. To instruct the present militia to any useful extent, would require a larger portion of the time than they can possibly spare from the duty of providing for the support of the nation, unless they are liberally paid; to pay them, would absorb all the resources of the nation. The alternative appears to be, to direct the Government to instruct such a portion of the militia as they can spare, and which would produce the most beneficial result to the whole mass, leaving to the effects of another system the gradual education of those military acquirements which, in a republican Government, is so essential for every citizen to possess.

Acting upon this principle, and believing that the instruction of the militia is in the power of the Government to give would be more

owed upon the whole of the officers and sergeants of the militia than upon any particular class, the sections of the bill which relate to this part of the subject have been adopted by the committee. They have also considered it to be proper to annex some estimate of the annual expense of the system they recommend.

Although it may be considered that, by presenting a bill for the "organization and classification" of the militia, and the exposition of their motives which accompany it, the committee have performed the task assigned them by the resolution under which they acted, they have, nevertheless, believed it to be their duty to submit some further views, the result of their deliberations upon this important subject.

This course may be more excusable, as the committee have no hesitation in acknowledging that the plan embraced by the bill is a mere experiment, a choice of difficulties; a system which, although it will place the militia on a much better footing than they have before stood, yet it is not likely to produce that great desideratum, that indispensable requisite in a government constituted like ours, the diffusion of a military spirit and military information throughout the great mass of the people.

The part of the subject which still remains to be discussed, will be best understood by dividing it into two distinct propositions.

1st. Is it desirable that the whole male population of the United States, of the proper age, should be trained to the use of arms, so as to supersede, under any circumstances, the necessity of a standing army? 2dly. Is it practicable?

The solicitude which has been manifested by the great men who have successively filled the office of Chief Magistrate of the United States, for the adoption of a system of military discipline for the militia which would produce the effect contemplated by the first proposition, sufficiently manifests their sense of its importance. The subject was often and warmly commended by the father of his country; and, at an early period of his administration, a plan for the purpose was proposed by the Secretary of War; and, being corrected agreeably to his suggestions, was submitted to the national Legislature. It is believed that objections to the expense, and supposed difficulty of executing this plan, and not to its object, was the cause of its being rejected. Is the opinion, which prevailed at that period, that an energetic national militia was to be regarded as the capital security of a free republic, less apparent at the present? Has any thing since occurred, either in the history of our own or of any other country, to show that a standing "army, forming a distinct class in the community," is the proper defence of a government constituted like ours? Do the events of the late war show that discipline is not necessary for the militia? or does the present aspect of the political world afford so much security as to justify the indifference which prevails in providing an effectual national defence?

It is impossible that any American can recur to many of the events, and particularly to the concluding scenes, of the late war, without feeling that elevation of mind which a recollection of his country's glory is calculated to produce. There are, however, others, and not a few, that are eminently calculated to show that an immense sacrifice of blood and treasure can be distinctly traced to the want of discipline in the militia. The glorious success which, in several instances, crowned their efforts, was the result of uncommon valor, or of valor united with the advantage of a position suited

reserve their authority by standing armies, are not allowed the use of arms; but the use of arms is not alone sufficient. A striking example of this is to be found in one of the Grecian republics: the Spartans were enabled, by the force of discipline alone, to keep in subjection for ages the Helots, and other ancient inhabitants of Laconia. These men were not only allowed the use of arms, but upon almost every occasion formed the greater part of the Lacedemonian army; nor were they deficient in bravery; but they were not permitted to learn that admirable discipline which distinguished the *oplites*, or heavy armed infantry, of Sparta.

Another important consideration urging the diffusion of a military spirit among our citizens, is the counterpoise it will afford to that inordinate desire of wealth which seems to have pervaded the whole nation, bringing with it habits of luxury, manners, and principles highly unfavorable to our republican institutions.

The first effect of this state of society is, the substitution of a standing army for a national militia. Upon this subject the committee beg leave to make a quotation from the report of General Knox, corrected by President Washington: "It is," says the patriotic Secretary, "the introduction of vice and corruption of manners into the mass of the people that renders a standing army necessary. It is when public spirit is despised, and avarice, indolence, and effeminacy of manners, predominate, and prevent the establishment of institutions which would elevate the minds of the youth in the paths of virtue and honor, that a standing army is formed and riveted for ever." So true is the principle here contended for, that it is believed there is no instance in history of a nation losing its liberties where the military spirit of the people did not decline in the same proportion that the corruption of manners advanced. Nor was any free government ever overturned by an internal convulsion, until the destruction of that spirit had been first produced in the body of the people. It was not until the amusements of the theatre, the baths, and the public gardens, had superseded the exercises of the Campus Martius, that a Roman army dared to revolt against its country, and with the power of the sword to substitute, for its free institutions, the arbitrary will of a dictator. Eighty years before the successful usurpation of Cæsar, the revolt of an army could have produced no such consequence. But the habits of the people had been changed. No longer in every Roman citizen was to be found a trained and practised soldier. The higher tactics were cultivated, indeed, with zeal and success by a martial nobility; no period had been more prolific of great generals; at none had the discipline of the legions been so perfect, but they were no longer filled by citizens taking their routine of service. The military had become a distinct profession, composed of men who, in the habits of war and pillage, had forgotten the sacred obligations attached to their character as citizens, and who were ever as ready, upon the suggestion of their leader, to turn their arms against their country as the enemy whom they were raised to oppose.

As in every age, then, and in every country, the same causes will produce the same effects, the palladium of American liberty must be the diffusion of military discipline and a military spirit through the whole body of the people.

But secondly, Is the object attainable? That it is not attainable by any of the systems which have heretofore been in use in the United States, is very evident, from the little success which has attended them. The late

war repeatedly exhibited the melancholy fact, of large corps coming to the field of battle without understanding a single principle, and without being able to perform a single evolution. Laws exist, and have existed in all the States since the war of 1812, which set apart, with great precision, a number of days for the purpose of training and discipline. But from this no fruit has ever been produced. It was an error, indeed, common to militia systems in use in the United States, that the periods were too short and too distant from each other to produce any permanent improvement. To remedy this defect, five camps of discipline have been recommended. One of the reasons which governed the committee in rejecting the Secretary of War's recommendation, has been explained. But if that objection could be overcome, the committee are far from being that the object could at all be accomplished in that way. Another more formidable obstacle to success; more formidable than arises from the nature of our Government and the constitution of human character. The sentiments and habits of a free country naturally produce among the citizens a superior restlessness, more than is to be met with in the subjects of a monarchy. They frequently manifests itself even in a career of military service, where high interests involved, and in which they largely partake, the constant necessity of discipline, might be supposed able to correct. It can scarcely be a restraint more vexatious and disgusting to a citizen, than the initiatory lessons of the military art. Military discipline in the observances of a number of minute particulars, which, in the militia, have no apparent object, but which form the basis of a beautiful and connected system. It is believed that to this may be attributed the little progress which has been made in training the militia of the United States. Nor is there much prospect that any system could, with regard to the present militia, produce the result which we aim.

In searching for landmarks to guide us to our object, it will be found that we direct our attention to the modern nations of Europe. From them we can borrow nothing to aid our purpose. Governments which maintain artificial distinctions in society, which estimate their security in the inability of their subjects to resist oppression, can furnish a few maxims, but no guides in organizing a system of defence which shall be both efficient and national. We are, however, not without resource.

The ancient republics, from which we have drawn many of our maxims upon which to found our civil institutions, will furnish the most perfect model for our system of national defence. The example of ancient military glory—the foundation of that wonderful system of military skill and exalted valor, which enabled the people of Athens to resist the mighty torrent of Persian invasion, which carried the walls of Sparta, and conducted the Roman legions (influenced by unhallowed motives) to the conquest of the world, will be the basis of the military education of their youth. The victories of Marathon, of Cyncephale and Pydna, were the practical results of the exercises of the Campus Martius and Gymnasia. It is on a foundation of this kind only, that an energetic national militia can be established.

"An examination into the employments and obligations of the citizen, comprising the society," says General Knox, "will evince the

ity of diffusing an adequate knowledge of the art of war by any other means than a course of discipline during the period of nonage. The time necessary to acquire this important knowledge cannot be afforded at any other period of life with so little injury to the public or private interests." Nothing is more true than what is here advanced ; and yet it is most singular that the amiable and patriotic Secretary should have founded his plan upon a course of instruction, to commence within the limits of nonage, indeed, but at so advanced a period of it, that all the objections which could be made to disciplining the militia at a more advanced age will apply equally to it, with the addition of others which are more cogent, and which are supposed to be inherent in the system itself. Of his advanced corps, composed of the youth of eighteen, nineteen, and twenty years of age, those of eighteen and nineteen are to be drawn out for thirty days in each year, and those of twenty for ten days, to be instructed in camps of discipline.

It has been strongly urged against this plan, that the separation of the youth, at that critical age, from the superintending vigilance of their parents and guardians, would be a very dangerous step ; and that the loss of time from the pursuit of their professions and occupations would prove to them a most serious evil.

Whatever force there may be in these objections, the committee are fully persuaded that the improvement to be derived from the execution of this plan would not compensate for the expense and loss of time it would occasion. The perfection of discipline, as it regards the soldier, is the grace, the precision, and address with which he performs certain evolutions. To arrive at this perfection, long-continued practice is essential.

And since it must be evident that the time necessary for this purpose cannot be taken from the avocations of our citizens after they have arrived at the age of manhood, the only alternative is, to devise a system of military instruction, which shall be engrafted on, and form a part of, the ordinary education of our youth.

The organization of a system thus extensive in its operations must necessarily be a work of some time and difficulty. The want of statistical information will prevent the committee from submitting to the House at this time more than the outline of their plan. It is embraced in the following propositions :

As the important advantages of the military part of the education of youth will accrue to the community, and not to the individuals who acquire it, it is proper that the whole expense of the establishment should be borne by the public Treasury.

That, to comport with the equality which is the basis of our constitution, the organization of the establishment should be such as to extend, without exception, to every individual of the proper age.

That, to secure this, the contemplated military instruction should not be given in distant schools established for that purpose, but that it should form a branch of education in every school within the United States.

That a corps of military institutions should be formed to attend to the gymnastic and elementary part of education in every school in the United States, while the more scientific part of the art of war shall be communicated by professors of tactics, to be established in all the higher seminaries.

The committee are fully aware that the establishment of an institution

1 Brigadier, full pay, \$104	-	-	-	-	\$104 00
1 Brigade inspector, with the pay of major	-	-	-	-	50 00
4 Colonels, at \$75	-	-	-	-	300 00
4 Lieutenant colonels, at \$60	-	-	-	-	240 00
4 Majors, at \$50	-	-	-	-	200 00
40 Captains, at \$40	-	-	-	-	1,600 00
40 Lieutenants, at \$30	-	-	-	-	1,200 00
40 2d Lieutenants, at \$25	-	-	-	-	1,000 00
160 Sergeants, at \$8 pay, and \$6 for rations	-	-	-	-	2,240 00

Amount of expenses of one brigade - - - 6,994 00

The adjutant to be taken from the line.

Brigades - - - 25

Expense of training officers for one month, at full pay, of
twenty-five brigades, or one hundred thousand men - 173,850 00

And, estimating the whole United States' militia at a million, then the total expense of training the officers of the whole militia would be some hundred thousand dollars less than two millions.

The following estimate is made on the supposition of the officers receiving only half-pay. The estimate proceeds, however, upon a supposition that no officer is to receive less than thirty dollars per month, and the sergeants full pay and rations.

2. Estimate for one hundred thousand men.

1 Brigadier, half pay	-	-	-	-	\$52 00
1 Brigade inspector	-	-	-	-	30 00
4 Colonels, half-pay	-	-	-	-	150 00
4 Lieutenant colonels, half-pay	-	-	-	-	120 00
4 Majors, \$30	-	-	-	-	120 00
120 Captains and lieutenants, at \$30	-	-	-	-	3,600 00
160 Sergeants, pay and rations	-	-	-	-	2,240 00

For officers of one brigade - - - 6,312 00

For 25 brigades - - - 157,800 00

And for 1,000,000 - - - 1,578,000 00

At thirty dollars per month, except sergeants; and, leaving them on full pay and rations, then the amount would be varied, as will appear by the third estimate, viz:

134 Officers, in a brigade of 4,000 men, at \$30	-	-	\$4,020 00
160 Sergeants, on full pay and rations	-	-	2,240 00

One brigade - - - 6,260 00

For 100,000, making twenty-five brigades - - - 156,500 00

And for 1,000,000 - - - 1,565,000 00

States; for governing them therein; and for con-
services: which powers the committee have con-

1. The committee are of opinion, that, in organ-
be a great improvement to divide them into tw
train diligently, and to provide to arm immedia
exempt the elderly men from that sacrifice of tim
would require; the organization of the militia
respects nearly as heretofore established.

2. The Constitution having made it the duty
arming the militia, this power is not duly exer
that the militia shall arm themselves. A law to
by penalties, will be disregarded, and if thus sa
for it will operate as a capitation tax, which the c
pay equally, and which will not be borne by the
fixed by the Constitution. The committee do no
lic arms into the hands of the militia, when not
would expose the arms to be lost and destroy
Congress should provide arsenals, from which t
the United States could draw arms when nece
sufficient exercise of the power to provide for arr

3. Congress having power to provide for go
when they are in the service of the United Sta
training them belonging to the State Governme
not deemed it proper that Congress should prese
ted to training, or the manner in which that ob
It is the duty of the State Legislatures to enact th
purpose. The committee deem it a sufficient ex
vide for disciplining the militia, to direct the app
officers, to prescribe their duties, and to provid
comprehending the camp duties, instruction, fiel
vice of the militia.

4. The committee are of opinion, that the reg
the militia may remain substantially as at presen

tes, it has appeared to your committee that the senior class might be exempted from being marched out of the State to which they may belong; the junior class, composed of ardent and vigorous men, the efficients of the nation, should, when called into service, continue therein so long as, after having acquired the knowledge and habits of soldiers; that officers should, by their own consent, be continued still longer in service. Military knowledge, principles, and habits, are most essential to the officers, who are the souls of an army. It has also appeared to your committee, that those principles would be best acquired by the officers of militia, in serving with officers of the regular troops on court martial trial of offenders either of the regular troops or militia.

The compensation to the militia for their services, consisting of an allowance for clothing, and of pensions in case of disability by wounds received in the service, the committee would allow to remain nearly as heretofore fixed by law.

The committee, acting according to the foregoing principles, report and provide for organizing, arming, and disciplining the militia, for calling them into the service of the United States, for governing them therein, compensating them for their services.

THE MILITIA.

[Communicated to the House of Representatives, January 22, 1819.]

HARRISON, from the Committee upon the improvement in the organization and discipline of the militia, made the following report:

That, having had the subject under their consideration, and finding that a bill containing a system of organization and discipline, reported at the last session, was before the House, they have nothing further to communicate on the particular points contained in the bill. But as it is their opinion, that, if the bill should be adopted, it will be advancing but a single step toward the attainment of the important object of rendering the militia more efficient, as a substitute for a standing army, they have directed their attention toward some ulterior measure by which it might be effected. They have been enabled to devise none better than that which is contained in the report made to this House on the 17th January, 1817; and they think that the following extract therefrom may form a part of their report:

The great difficulty to be encountered is the *application* of a system of discipline or military instruction to a great population scattered over a vast and unenclosed territory.

The accomplishment of this object, at once, is evidently not within the power of the Government. To instruct the present militia of the country, to any useful extent, would require a larger portion of their time than they can possibly spare from the duty of providing for their families, and if they are liberally paid: to pay them would absorb all the resources of the nation. The alternative appears to be to direct the efforts of the Government to instruct such a portion of the militia as their means will allow, and which would produce the most beneficial result upon the whole; leaving to the effects of another system the gradual introduction

theless, believed it to be their duty to submit some of their deliberations upon this important subject.

"This course may be more excusable, as the co-tation in acknowledging that the plan embraced expedient—a choice of difficulties—a system which the militia upon a much better footing than they had it is not likely to produce that great desideratum, requisite in a Government constituted like ours—the spirit and military information throughout the great

"The part of the subject which still remains best understood by dividing it into two distinct parts

"1st. Is it desirable that the whole male population of the proper age, should be trained to the use of arms under any circumstances, the necessity of a standing

"2d. Is it practicable?

"The solicitude which has been manifested by successfully filled the office of Chief Magistrate of the adoption of a system of military discipline for to produce the effect contemplated by the first proposition, testifies their sense of its importance. The subject recommended by the Father of his country, and, in administration, a plan for the purpose was proposed in War, and, being corrected agreeably to his suggestions, the National Legislature. It is believed that objections and supposed difficulty of executing this plan, arising from its being rejected. Is the opinion which that an energetic national militia was to be regarded as a free republic, less apparent at the present time than occurred, either in the history of our own or of any other nation, that a standing army, forming a distinct class in

can be distinctly traced to the want of discipline in the militia. The glorious success which, in several instances, crowned their efforts was the result of uncommon valor, or of valor united with the advantage of a position suited to their peculiar character. The greater part of the American militia, accustomed from their early youth to the use of firearms, are doubtless more formidable than any other troops in the world in the defence of a line or rampart. Victories in the field are gained by other qualities; by those disciplined evolutions which give harmony and concert to numerous bodies of men, and enable whole armies to move with the celerity and address of single combatants. Let our militia be instructed, and America would be equal to a contest with the rest of the world united.

The improvements which have been made in the art of war since the commencement of the French Revolution give greater advantages to increasing and disciplined armies, acting against those of a contrary character, than they before possessed. This arises from their increased activity, produced by the great multiplication of their light troops; the celerity of movement given to the artillery; and, above all, to the improvements in the staff, placing the subsistence of large armies upon a footing of security and what was formerly supposed to be impossible. An improvement in tactics, which gives advantages to the professed soldier who fights for conquest over the citizen who bears arms only in the defence of his country, perhaps to be regretted, and no alternative is left to the latter but to perfect himself in the same arts and discipline. It is believed that there is no instance on record of a republic, whose citizens had been trained to the use of arms, having been conquered by a nation possessing a different form of Government. Small republics have been overthrown by those which were more powerful, as Saguntum destroyed by Carthage, and Numantia by Rome: but it has been observed of those Governments, that their walls and towers became their funeral piles, leaving nothing to their conquerors but their ashes.'

The committee cannot conceive that any aspect, however pacific it may be, which the Governments of Europe may for the present have assumed toward this country, should be used as an argument to procrastinate, even for a day, any measure calculated to render their future hostility unprofitable. It cannot be believed that any real friendship can exist in the breasts of the sovereigns of that continent for a Government which has been founded upon principles so opposite to theirs, and which, by the animosity it diffuses, affords an eternal satire and reproach upon their conduct. Whatever security, then, may be derived from their policy, none can certainly be expected from their forbearance, whenever, from a change of circumstances, they may think it proper to change their policy. The liberties of America must, then, be preserved as they were won—by the arms, the discipline, and the valor of her freeborn sons.

But the defence of our country against a foreign enemy does not constitute the only (perhaps not the chief) motive of military improvements to the extent contemplated by the proposition we are considering. The safety of a republic depends as much upon the equality in the use of arms among its citizens, as upon the equality of rights; nothing can be more dangerous in such a Government than to have a knowledge of the military art confined to a part of the people, for sooner or later that part will perish.

The effects of discipline possessed by a few, to control numbers with-

formed the greater part of the Lacedæmonian army, efficient in bravery; but they were not permitted the discipline which distinguished the *oplites*, or heavy-armed troops of Sparta.

“Another important consideration, urging the necessity of a standing army among our citizens is, the counterpoise it would afford to the insatiable desire of wealth, which seems to have pervaded our society, bringing with it habits of luxury, manners, and customs altogether unfavorable to our republican institutions.

“The first effect of this state of society is the impossibility of forming an army for a national militia. Upon this subject I leave to make a quotation from the report of General Washington. ‘It is,’ says the patriotic General, ‘the introduction of vice and corruption of manners into the Republic, that renders a standing army necessary. It is the dissipation of the youth, the dissipation of the mind, the dissipation of the spirit, and avarice, indolence, and effeminacy of the manners, which prevent the establishment of institutions which would lead the minds of the youth in the paths of virtue and heroism, and which would form and rivet for ever.’ So true is the General’s observation, that it is believed there is no instance in history of a free Government where the military spirit of the people has been so corrupted, and the same proportion that the corruption of manners and the dissipation of the mind have overturned by an internal construction of that spirit had been first produced in Rome. It was not until the amusements of the theatre, the dissipation of the mind, had superseded the exercises of the Campus Martius, that the army dared to revolt against its country, and with the dissipation of the mind to substitute for its free institutions the arbitrary rule of a tyrant. Years before the successful usurpation of Cæsar, the corruption of the mind could have produced no such consequence.

“But the habits of the people had been changed, and the Roman citizen was to be found a trained and practical soldier.

sion of military discipline and a military spirit through the whole of the people.

But secondly, Is the object attainable?

That it is not attainable by any of the systems which have heretofore in use in the United States, is very evident from the little success which has attended them. The late war repeatedly exhibited the melancholy fact of large corps of militia going to the field of battle, without understanding a single elementary principle, and without being able to perform a single evolution. Yet militia laws exist, and have existed, in the States since the war of the Revolution, which set apart, with great precision, a number of days in each year for the purposes of training and discipline. But from this plan no good fruit has ever been produced. It is an error, indeed, common to all the militia systems in use in the United States, that the periods for training were too short and too distant from each other to produce much benefit.

To remedy this defect, camps of discipline have been recommended. Some of the reasons which governed the committee in rejecting that part of the Secretary of War's recommendation has been explained above; but that an objection could be overcome, the committee are far from thinking. The object could at all be accomplished in that way. There is another more formidable obstacle to success; more formidable, because it arises from the nature of our Government, and the constitution of the human character. The sentiments and habits of a free country necessarily produce among the citizens a superior restlessness under restraint which is to be met with in the subjects of a monarchy. This spirit frequently manifests itself even in a career of military services, where the interests involved (and in which they largely partake), and the evident necessity of discipline, might be supposed able to correct it. There is scarcely a restraint more vexatious and disgusting to a *grown man* than the initiatory lessons of the military art. Military discipline consists in the observance of a number of minute particulars which, to the novitiate, seems to have no apparent object, but which form the links of a beautiful connected system. It is believed that to this cause is to be attributed the little progress which has been made in training the militia of the United States; nor is there much prospect that any change of system could, with regard to the *present militia*, produce the result at which we

In searching for landmarks to guide us to our object, it will be in vain if we direct our attention to the modern nations of Europe; from them we can borrow nothing to aid our purpose; Governments formed upon artificial distinctions in society, which estimate their security by the inability of their subjects to resist oppression, can furnish a free people with no guides in organizing a system of defence which shall be purely national. We are, however, not without resource.

The ancient republics, from which we have drawn many of the wisest maxims upon which to found our civil institutions, will furnish us a most perfect model for our system of national defence. The whole history of ancient military glory, the foundation of that wonderful combination of military skill and exalted valor which enabled the petty republic of Athens to resist the mighty torrent of Persian invasion, which formed the walls of Sparta, and conducted the Roman legions (influenced, indeed, by unhallowed motives) to the conquest of the world, will be found

upon a course of instruction, to commence w
indeed, but at so advanced a period of it, th
could be made to disciplining the militia at a
ply equally to it, with the addition of others
which are supposed to be inherent in the syst
corps, composed of the youth of 18, 19, and
and 19 are to be drawn out for thirty days in
for ten days, to be instructed in camps of disc

" It has been strongly urged against this pl
youth, at that critical age, from the superinte
rents and guardians, would be a very danger
time from the pursuit of their professions and
them a most serious evil.

" Whatever force there may be in these o
fully persuaded that the improvement to be d
this plan would not compensate for the exper
occasion. The perfection of discipline, as i
grace, the precision, and address, with whic
tions. To arrive at this perfection, long-cont

" And since it must be evident that the tin
cannot be taken from the avocations of our
rived at the age of manhood, the only altern
military instruction, which shall be engrafted
ordinary education of our youth.

" The organization of a system, thus exte
necessarily be a work of some time and diffi
tical information will prevent the committee fr
at this time, more than the outline of their
following propositions :

" As the important advantages of the milit
the youth will accrue to the community and
require it, it is proper that the whole expense
be borne by the public Treasury

That a corps of the military institutions should be formed to attend to the gymnastic and elementary part of education in every school in the United States, while the more scientific part of the art of war shall be communicated by professors of tactics to be established in all the higher seminaries.

The committee are fully aware that the establishment of an institution, which, from its nature, is calculated to produce an important change in the manners and habits of the nation, will be received with caution and distrust by a people jealous of their liberties, and who boast of a Government which executes its powers with the least possible sacrifice of individual right. An encroachment upon individual rights forms no part of our system. It is not a conscription which withdraws from an anxious parent a son for whose morals he fears more than for his life. It is not a Russian or Turkish mandate to educate the youth within the purlieus of a corrupt court, but a system as purely republican in practice as in principle.

The means are furnished by the Government, and the American youth are called upon to qualify themselves under the immediate inspection of their parents, or of tutors chosen by their parents, for the sacred task of defending the liberties of their country.

Although the system of General Knox widely differs from that which has been recommended by the committee, his opinion of the effects to be produced by it is conceived to be more particularly applicable to the latter. 'of the United States,' says he, 'possess the vigor of mind to establish the best institution, for the military instruction of youth, it may reasonably be expected to produce the most unequivocal advantages. A glorious national spirit will be introduced, with its extensive train of political consequences. The youth will imbibe a love of their country, reverence and obedience to its laws, courage and elevation of mind, openness and liberality of character, accompanied by a just spirit of honor. In addition to which, their bodies will acquire a robustness, greatly conducive to their personal happiness; while habit, with its silent but efficacious operations, will durably cement the system.'

That the House may possess all the information necessary to act upon this important subject, the committee respectfully recommend the adoption of the following resolution:

Resolved, That the Secretary of War be required to prepare and lay before this House, at the next session of Congress, a plan for the military instruction of all the youth of the United States in the way which is best calculated for the purpose, with as little injury as possible to the ordinary course of education."

Estimates of the expenses of training the officers and sergeants of the militia of the United States. These estimates are made on a supposed number of one hundred thousand men, divided equally, as nearly as may be, into twenty-five brigades.

1st. Estimate upon the supposition that the officers and sergeants receive full pay, without rations, or an allowance for rations or forage, except the sergeants, for whom rations might be necessary.

Each brigade containing, according to estimate, four thousand men, will be composed of four regiments, or forty companies.

There would then be the following field and staff officers attend the training :

1 Brigadier full pay, \$104	-	-	-
1 Brigade inspector, with the pay of major	-	-	-
4 Colonels, at \$75	-	-	-
4 Lieutenant colonels, at \$60	-	-	-
4 Majors, at \$50	-	-	-
40 Captains, at \$40	-	-	-
40 Lieutenants, at \$30	-	-	-
40 Second lieutenants, at \$25	-	-	-
160 Sergeants, \$8 pay, and \$6 for rations	-	-	-

Amount of expenses of one brigade -

The adjutant to be taken from the line.

Brigades 25.

Expense of training officers for one month, at full-pay, twenty-five brigades, or one hundred thousand men

And estimating the United States' militia at a million, expense of training the officers of the whole militia would be one hundred thousand dollars less than two millions.

The following estimate is made on the supposition of receiving only half-pay ; the estimate proceeds, however, upon that no officer is to receive less than thirty dollars per month, sergeants full-pay and rations.

Second estimate for 100,000 men.

1 Brigadier, half-pay	-	-	-
1 Brigade inspector	-	-	-
4 Colonels, half-pay	-	-	-
4 Lieutenant colonels, half-pay	-	-	-
4 Majors, \$30 each	-	-	-
120 Captains and lieutenants, at \$30	-	-	-
160 Sergeants, pay and rations	-	-	-

For officers of one brigade - - -

For twenty-five brigades - - -

And for 1,000,000 - - -

At thirty dollars per month, except sergeants, and leaving pay and rations, then the amount would be varied, as will be seen in the third estimate, viz :

134 Officers in a brigade of 4,000, at \$30	-	-
160 Sergeants on full pay and rations	-	-

One brigade - - -

For 100,000, making twenty-five brigades -

And for 1,000,000 - - -

MEMORIAL

OF A

NUMBER OF UNDERWRITERS

IN THE

City of New Orleans, remonstrating against the repeal of the act of March 2, 1837, concerning pilots.

JUNE 8, 1840.

Ordered to be printed.

To the honorable the Senate and House of Representatives in Congress assembled :

The undersigned, underwriters of the city of New Orleans, beg leave respectfully to represent to your honorable bodies, that they have been informed that efforts are making to procure the repeal of an act of Congress approved on the second day of March, 1837, authorizing masters of vessels coming into, or going out of, any port situate upon waters which are the boundaries of two States, to employ any pilot, duly licensed or authorized by the laws of either State, to pilot vessels to or from said port.

Wherever this law has been in operation, great benefits to commerce have been experienced. Life and property have been exposed to fewer hazards ; and both have unquestionably been saved, that would have been lost under the monopoly which existed previous to the passage of this act. The competition which has been created by opposing companies of pilots, has increased their knowledge of channels and coasts, extended their cruises seaward, (by which they have been enabled to succor vessels in distress,) increased the spirit of accommodation and vigilance, and improved their condition professionally and socially.

Under these impressions, the undersigned could not fail to view the repeal of the law as a commercial misfortune ; and as calculated to increase human suffering, and the dangers to which life and property are exposed on approaching land.

JOHN K. WEST,
Pres't Lou. State Marine & Fire Ins. Co.
F. PESCHIEZ,
Pres't Orleans Theatre and Ins. Co.
M. S. CURRILLIS,
Pres't Merchants' Insurance Co.
THOS. URQUHART,
Pres't New Orleans Insurance Co.



REPORT

FROM

THE SECRETARY OF WAR,

Transmitting, in compliance with a resolution of the Senate, copies of the correspondence in relation to the proceedings which have taken place for the recovery of the Peapatch island.

JUNE 8, 1840.

Read, and ordered to be printed.

**WAR DEPARTMENT,
June 5, 1840.**

SIR: I have the honor to transmit the report of the Chief Engineer, and accompanying documents, which embrace all the correspondence on the files of this department, relative to the proceedings which have been taken for the recovery of the Peapatch island, called for by the resolution of the Senate, dated the 29th ultimo.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Hon. R. M. JOHNSON,
President of the Senate.

**ENGINEER DEPARTMENT,
June 1, 1840.**

SIR: I have the honor to submit, herewith, copies of a letter from Hon. T. Clayton, dated the 22d of March, 1839, and one from Mr. J. T. Hudson, dated the 14th of April, 1839, both addressed to the Secretary of War, and referring to the case of the Peapatch island; being all the correspondence on file in this office, and embraced in the resolution of the Senate of the 29th ultimo, referred by you to this department for a report. The resolution is returned herewith.

I have the honor to be, sir, very respectfully, your obedient servant,

JOS. G. TOTTEN,
Col. and Chief Engineer.

Hon. J. R. POINSETT,
Secretary of War.

Blair & Rives, printers.

Now Mr. Attorney General Butler could say in the charge, unless we supposed that he cannot imagine. But the case of the United States against the court and jury; this will not happen on the part of the district attorney in New Jersey, on the form taken in the country to be read in evidence, incontestible proofs of their falsity.

Having thoroughly considered this case, I have offered, to have presented my views upon it to you, to say to you that I have not a doubt but that the United States. Without intending to advise, would give instructions to the district attorney, to direct him for the security of the property of the United States, the pendency of the suit?

I beg this freedom may not be misunderstood. I wish to be engaged as counsel; for, since my friends have resisted all solicitations to take part in a suit, I mean to adhere to.

With great respect, I have the honor to be, Sir, your obedient servant,

HON. J. R. POINSETT,
Secretary of War.

N

DEAR SIR: As the time is rapidly approaching for me to return to the west, I am obliged to announce to you whether it is the purpose of the department to have me in relation to the purchase of the Pease River. Any communication addressed to me, at this time, will be received.

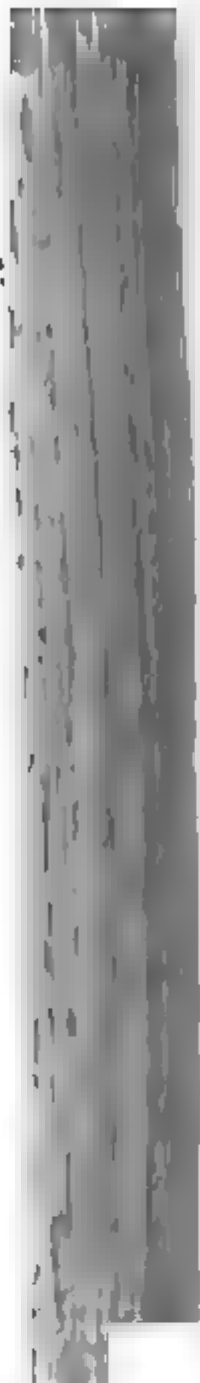
relation to the purchase of the Peapatch island, has been received ; and in answer, I have to inform you that, in conformity with the directions of Congress, the Solicitor of the Treasury has been instructed to take the necessary steps to try the title to the island.

Respectfully, &c.

J. R. POINSETT.

J. T. HUDSON, Esq.

No. 17 Whitehall street, New York.



IN SENATE OF THE UNITED STATES.

JUNE 8, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT :

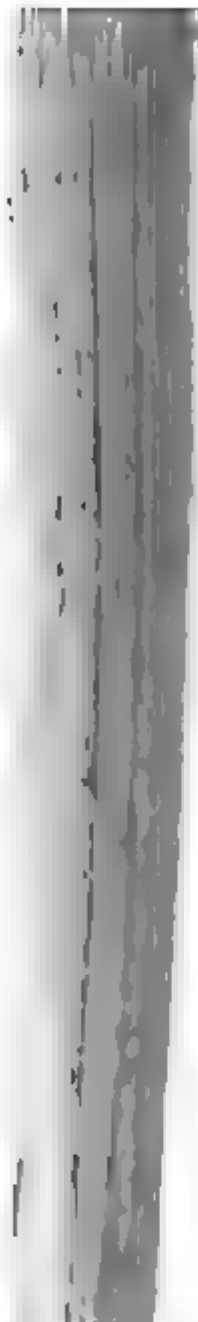
[To accompany bill H. R. No. 177.]

The Committee on Pensions, to whom was referred "An act for the relief of the heirs of Michael Seitsinger," report :

This bill proposes to grant to the heirs of said Seitsinger, a gratuity of \$20 per annum, from March 4, 1831, to the death of said Seitsinger, for six months' service by him in the Revolution. Three terms of service, each of two months, are alleged—the first in 1776, when Seitsinger was scarcely thirteen years old ; the second in 1777, when he was about fourteen ; and the third in 1781. It is plain that the first four months could not have been military duty : and it would be absurd to believe that he was *draughted* to perform the second term, when he was about fourteen years old, as he states. If the claim of the heirs, as such, could be admitted, still the proof of six months' military service is not satisfactory.

The committee recommend the indefinite postponement of the bill.

Blair & Rives, printers.



IN SENATE OF THE UNITED STATES.

JUNE 8, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT:

[To accompany bill H. R. No. 163.]

the Committee on Pensions, to whom was referred "An act for the relief of Ann Bloomfield," report:

Thomas Bloomfield, the husband of said Ann, was placed on the pension, at the rate of \$8 per month, by a special law of Congress, in 1830, for services in the Revolution. These services, in the opinion of the Commissioner of Pensions, are not set forth and proved with sufficient exactness, in point of time and duration, to authorize the allowance of a pension to the widow, independent of the objections that the service, which was not proved with any certainty whatever, was not of a military character, and that the marriage and its date were not sufficiently made out.

So far as the widow is concerned, the last objection is conclusive, in the opinion of the committee. The only evidence to show the date of the marriage is the bare declaration of the widow, who fixes it "about 1781." A witness swears that the parties lived together as husband and wife; but she is not able to swear to an actual marriage, or to any date.

The committee recommend the indefinite postponement of the bill.

W. Rives & Co., printers.



IN SENATE OF THE UNITED STATES.

JUNE 8, 1840.

Submitted, and ordered to be printed.

Mr. STRANGE, made the following

REPORT :

[To accompany bill H. R. No. 295.]

The Committee on the Judiciary, to whom was referred the House bill 295, for the relief of William J. Roberts and William Detherage, report :

That it seems that one William Morrison and John Roberts became sureties for one Caleb Morrison and George Wheeler, on a contract to furnish a supply of arms to the United States. The contract was not complied with, and suit for its breach was instituted and judgment obtained against said Morrison and Roberts in April, 1822. In January, 1822, John Roberts executed a deed of trust on real estate, and on the same day it was notified for registration, but was not delivered to the proper officer for registration until September, 1822. Under this deed petitioners claim, and it is alleged that the foregoing facts render it doubtful whether, according to law, the judgment of the United States or the deed of petitioners is entitled to preference; and the United States is asked to settle this question by relinquishing its claim.

It further appears, that the co-defendant of Roberts, John Morrison, also executed a deed of trust after the rendition of the judgment of the United States against him; and a sale being made under it, two persons, named Ward and Ficklin, became purchasers, who made partial payments on said purchase, and gave their bonds for the residue. The United States filed its bill against all the parties, and finally obtained a decree subjecting Morrison's lands in the hands of Ward and Ficklin to the payment of its judgment. Whereupon, Ward and Ficklin presented a petition to Congress for relief from this liability, which was granted. It is further stated, that John Roberts became co-surety with Morrison, solely upon the ground of a promise of indemnity to the said Roberts by the said Morrison. All this, it is alleged, raises a doubt whether the land claimed by petitioners is not discharged from liability to the United States; and here again the United States is asked to resolve the doubt by relinquishing its claim.

Upon the facts, taking them all to be stated by petitioners, the committee is of opinion that if the land claimed by petitioners is not subject by law to the judgment of the United States, no legislation is necessary for their relief; and if it is, although the United States may have heretofore acted with more mercy than justice towards Messrs. Ward and Ficklin, there is no good reason why any new law should be passed discharging the land claimed by petitioners.

It therefore recommends that the bill do not pass.



IN SENATE OF THE UNITED STATES.

JUNE 8, 1840.

Submitted, and ordered to be printed.

Mr. STRANGE made the following

REPORT :

[To accompany bill H. R. No. 296.]

The Committee on the Judiciary, to whom was referred the House bill (No. 296) for the relief of John Roberts, report :

That it seems that one William Morrison and the petitioner became the sureties for one Caleb Morrison and one John Wheeler, on a contract to furnish arms to the United States. The contract was not complied with, and suit for its breach was instituted, and judgment obtained, against the said Morrison and Roberts, in April, 1822. In January, 1822, Roberts executed a deed of trust on a portion of his property; and some time after the judgment, the other defendant (John Morrison) conveyed his property by deed in trust. A sale of Morrison's property was made under the deed in trust, and two persons, named Ward and Ficklin, became purchasers, who made partial payments on said purchase, and gave their bonds for the residue. The United States filed its bill against the latter parties, and finally obtained a decree subjecting the lands in the hands of Ward and Ficklin to the payment of its judgment; whereupon, Ward and Ficklin presented a petition to Congress for relief from this liability, which petition was granted. It is further stated, that John Roberts became co surety with John Morrison solely upon the ground of a promise of indemnity to the said Roberts by the said Morrison. All this, it is said, raises a doubt whether the petitioner is not discharged by law; and Congress is asked to pass a law granting an express discharge.

This the committee cannot recommend, believing that, if he is already discharged by existing laws, no legislation for his relief is necessary; and if he is not already discharged, no sufficient consideration is set forth in his petition to induce such discharge.

Blair & Rives, printers.



IN SENATE OF THE UNITED STATES.

JUNE 8, 1840.

Submitted and ordered to be printed.

Mr. DAVIS made the following

REPORT:

[To accompany bill S. No. 367.]

*The Committee on Commerce, having had under consideration
lution of the Senate instructing the committee to inquire into
diency of modifying the law in relation to seamen discharged
ports, report thereon as follows :*

The committee have had before them various proofs of embar-
which occur in foreign ports, which seem to demand a remedy for
ter security of seamen, as well as for the relief of masters and owners.

The law of 1803, which secures to seamen three months' additional
if discharged in foreign ports, has been found, in practical operation
times to prove injurious to seamen, while it was designed for the
It often occurs, that in the course of regular business it becomes
to discharge the men in a foreign port, and they sail with that knowledge
and understanding ; as where the vessel is sold, or for any cause
long in port. The execution, under these circumstances, becomes
onerous, and the consequence is, that the men desert by agreement
able the master to avoid the penalty ; and several consuls, who
has been to execute this law, are of opinion that it ought to be
and the committee, upon the evidence before them, are satisfied
may be done with advantage to all parties, as well as to good morals.

Vessels sometimes sail with bad or insufficient provisions ; and
they prove leaky, or are otherwise defective or unsuitably provided,
not to be safe and seaworthy.

There are provisions in our law to meet such cases before vessels
and the committee have come to the conclusion that the substance
provisions may be extended to foreign ports with advantage to the
service.

The committee have also deemed it advisable to make provision
seamen shipped in foreign ports should have the benefit of the bounty
for the return of the men.

They have also deemed it advisable to make further provision as to
iterations in the list of the crew or the shipping articles, in order that
consuls and commercial agents may have evidence which may be relied
of what the crew consisted, and of the terms on which they were

They have also deemed it reasonable to authorize the dis-
men held on board contrary to the terms of their contract.
the power of consuls has been some enlarged, and correspon-
bilities imposed.

Believing alterations and modifications to meet these vic-
they have ordered that a bill shall be reported embracing the :

REPORT

FROM

THE SECRETARY OF THE TREASURY,

IN COMPLIANCE

With a resolution of the Senate, in relation to the report of Mr. Owen on, the geology and mineralogy of the Territory of Iowa.

JUNE 9, 1840.

Read, and ordered to be printed.

TREASURY DEPARTMENT, June 5, 1840.

SIR: On the 15th of April last the Senate "*Resolved*, That the Secretary of the Treasury be requested to send to the Senate the report (if yet made) of Mr. Owen on the geology and mineralogy of the Territory of Iowa."

That resolution was referred by me to the Commissioner of the General Land Office, who had employed Mr. Owen to make an examination of the mineral lands, under the instructions of this department, in conformity with a resolution of the House of Representatives, requesting from the President, among other matter, further information in respect to the condition of these lands.

It appears that Mr. Owen's reports had not then been received, and, consequently, the request of the Senate could not be complied with. But I have the honor to state, that his report has since been received and submitted to the President; and the accompanying communication from the Commissioner of the General Land Office, suggests the mode in which the Senate can now most easily become possessed of its contents, if still deemed desirable. Should it happen, however, that a duplicate, or a manuscript copy of the report is preferred to a printed one, it will afford me much pleasure to have one prepared soon as practicable.

Respectfully,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. RICH. M. JOHNSON,
President of the Senate.

GENERAL LAND OFFICE, June 5, 1840.

SIR: In reply to a resolution of the Senate, of the 15th April last, in the following words: "*Resolved*, That the Secretary of the Treasury be re-

Blair & Rives, printers.

requested to send to the Senate the report (if yet made) of Mr. Owen on the geology and mineralogy of the Territory of Iowa," referred by you. I have the honor, respectfully, to state, that as the mineralogical and report of Dr. Owen, in relation to the public mineral lands, under a resolution of the House of Representatives, of the 6th March 1839, it was deemed to be the more proper course to lay the report and the other information on the subject, called for by the latter resolution, before the House. Such direction was accordingly given to the President on the 3d instant, to enable the President to communicate it to the Senate. As an approximation to a literal compliance with the resolution, a copy of the report would have been prepared for that purpose, but not that the time necessary for that purpose (the report being voluminous and accompanied by numerous diagrams and illustrations) have so long delayed its presentation as to defeat its principal object.

It is hoped, however, that the omission to transmit a copy of the report to the Senate will be productive of no inconvenience, because each branch of Congress employs the same public printer, and it is presumed that, should either body order the report to be printed, the printer would be used for that purpose in preference to a transcript, if it were necessary.

It is proper to add, that the course now pursued was proposed in a personal interview by the undersigned with the honorable member for the resolution of the Senate, who was understood to sanction the course he was concerned, and to venture his opinion that it would, ultimately, be satisfactory to the Senate.

In conclusion, the undersigned respectfully begs leave to add, that, in his opinion, it is very desirable that the report should be printed in a creditable manner, embracing, as it does, a large amount of valuable information touching the mineral wealth of a new and important part of our country, and affecting, as it may, in no small degree, the amount of our public revenue. This information has been collected and embodied by Dr. Owen with the most commendable industry, and exhibits, in a clear and perspicuous style, a degree of scientific attainment of no common order.

I have the honor to be, with great respect, your obedient servant,
JAS. WHITCOMB, *Comptroller of the Treasury.*

Hon. LEVI WOODBURY,
Secretary of the Treasury.

IN SENATE OF THE UNITED STATES.

JUNE 9, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT:

[To accompany bill H. R. No. 130.]

The Committee on Pensions, to whom was referred "An act for the relief of James Deatley," report:

This is an application for an increase of pension. The applicant is now allowed a pension of \$20 per annum for six months' service, and claims for six months' more. Three terms of service are alleged—one of eight months in 1777 or 1778; the second of two months in the spring of 1781; and the third of two months in the fall of 1781; and testimony of two witnesses is produced. Christopher Deatley swears that his brother, James Deatley, served twelve months or more in the revolutionary war, under Captain Sanford and others, to his certain knowledge; this is the whole of his testimony. He neither specifies the month, season, year, nor place of service; nor does he tell how he came to a certain knowledge of the fact. William Cogwell swears that he saw James Deatley as a soldier under Captain Killis, in the spring of 1781 at Richmond and Charlottsville, Va.; and that Deatley was at the siege of Yorktown, in 1781, as a common soldier, under Captain Killis. Now the claimant testifies, in two declarations, that he *was not at the siege of Yorktown*; that he left his company on a furlough, by reason of sickness, and did not return till after the surrender of Cornwallis. Cogwell does not state the length of either tour. This evidence is of a character which ought not to be relied upon. The committee, believing that the Commissioner has allowed for all the time of which there is sufficient proof, recommend the indefinite postponement of the bill.

Blair & Rives, printers.



1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them. The list is organized into columns, with names in the first column and addresses in the second column.

IN SENATE OF THE UNITED STATES.

JUNE 9, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT:

[To accompany bill H. R. No. 162.]

Committee of Pensions, to whom was referred "An act granting a pension to David Mellen," report:

This claim was rejected at the Pension Office, because there was not of six months' service. The rolls of the company in which Mellen served show that he was paid for five months and thirteen days, including services and travel." The other evidence produced in favor of the claim was merely the fact of his being in the service in 1780, but no definite date; and it is not pretended that he actually served longer than the time specified in the roll. It is said, however, that he, having enlisted for six months, and having served until he was discharged, comes within the spirit of the law of 1832. This committee entertain a different opinion, and seventeen days are wanting to make up the time limited in the law, and also that he was allowed for travel; and recommend the indefinite postponement of this bill.

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IN SENATE OF THE UNITED STATES.

JUNE 9, 1840.

Submitted, and ordered to be printed.

Mr. PRENTISS made the following

REPORT:

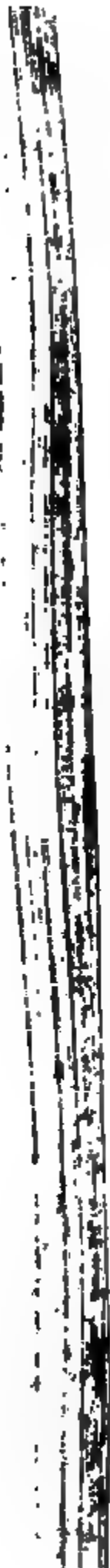
[To accompany bill H. R. No. 140.]

the Committee on Pensions, to whom was referred "An act granting a pension to Benjamin Mitchell," report:

Mitchell claims for services in 1776, on Cape Elizabeth, Maine, as a substitute for his brother Robert, from February to November. The service is credited on the rolls to Robert Mitchell, who died many years since. To show that Benjamin rendered the service, the testimony of two witnesses is furnished. Robert Plummer testifies that he knew Benjamin Mitchell well, when a soldier in the Revolution, stationed at Dyer's point, Cape Elizabeth, being a near neighbor to him. Mary Pebbles (a sister) undertakes to swear that Robert enlisted and got Benjamin to do the duty, and to state other things which took place when she was but eight years old.

The committee do not think it safe to set aside the certain evidence of the rolls, and to legislate upon parol testimony of this character. They recommend the indefinite postponement of the bill.

W. & Rives, printers.



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MEMORIAL

OF

NUMBER OF CITIZENS OF THE CITY OF NEW YORK,

REMONSTRATING

*against the amendment asked for by the memorial of the Board of Trade
of that city to the proposed bankrupt law.*

JUNE 10, 1840.

Referred to the Select Committee on that subject, and ordered to be printed.

The memorial of the undersigned merchants, mechanics, and others,
including members of the Board of Trade, citizens of New York,

RESPECTFULLY SHOWETH :

That we have seen with alarm the favorable reception in the Senate of the memorial of the Board of Trade of this city, on the subject of a national bankrupt law.

Your memorialists confidently hope that your honorable body will not be influenced by said memorial to incorporate in any bill designed, in the smallest degree, to relieve the unfortunate, the principles and doctrines set forth by the Board of Trade. For, in the opinion of your memorialists, this would only tend to establish more firmly the power—now exercised to an incredible extent—of harassing, oppressing, and for ever keeping in bondage hundreds and thousands who have no means left to liquidate their debts, and who are precluded from making any exertions to enable them so to do, for the very reason that their unrelenting creditors watch, with the spirit of demons, to snatch the first reward of exertions and the first fruits of industry, even the small portion without which body and soul must part.

It is known to several of the signers of this, that at a meeting of the Board of Trade, held previous to the adoption of their memorial, it was unanimously resolved, "That the Board would petition Congress in favor of the passage of a national bankrupt law at the present session;" that, at the subsequent meeting, when the memorial was adopted, but twenty or twenty-one members were present; and it is with reason believed, that three of those members were in favor of having the provisions advocated which in the memorial apply to *past* transactions, while several members refrained from opposing the memorial altogether, because they believed that no action of a body, with local and even partial views, could possibly influence the details of a bill intended to operate with equal justice throughout the whole Union. The officers of the Board, at the meeting, distinctly admitted the absurdity of a bankrupt law which should require

of the debtor, to enable him to get a discharge, the consequences in amount; even the member with "forty years who is not an American, admits in his memorial (for it is evident that to require the consent of nine-tenths would be cruel and oppressive. We respectfully contend that, to require the consent of one peculiar situation of debtors at the present time, would as clear oppressive. Those *experienced* men of the Board are so likely to wish to be indulgent, and not require more than any *he* easily procure;" they, indeed, "have not known or heard of FAIR CHARACTER finding difficulty in obtaining Who shall judge of the "honesty" or "fair character" of all who are so may demand a discharge? and if the courts may decide who are so, we are content. We accept the gentlemen's or the Board's conditions. But if, on the contrary, the creditors, who would denounce the angels of heaven get in their debt, and fail to pay, are to decide this moment then we appeal to the humanity and discernment of our relief.

It is proverbial that, heretofore, the dishonest, unthrifty, have most easily compromised their debts; while the honest and industrious, have, with few exceptions, been single persons, or to be held bound with a grasp never to be released, his brightest virtues proving his greatest curse. It is notorious that there are men living among us who boast that they never have, release any debtor, except on payment in full. Again, and they can be named, who have openly inquired the bankrupt, whose debt they held by purchase, and finding him young, honest, and enterprising, have unblushingly determined to put their claim in judgment, protesting the claim as a good investment, and equally secure as if the claim was a mortgage on the soil which they contaminated. This class of men are the largest holders of claims against debtors; they have, under brighter prospects, wrung from the debtors his less able creditors, their full claims by this course, and made them rich, and they can now afford to live without the debtors. The less fortunate and more considerate creditors have accepted the debtors' offer, and are obliged and willing to accept. We again appeal to your wisdom whether the class of creditors in whose power debtors now consent to sign a discharge.

Your memorialists ask for no bankrupt law for the special favor of any portion of the country; on the contrary, we demand such a law as Congress in its wisdom shall deem best adapted to protect the creditor against fraud, but which shall in no case deny to the unfortunate debtor, full and ample relief; and that it shall not be in man's power to hold his debtor in bondage, except for such time as which the penalties cannot be too severe.

Your memorialists would remark that they ask no certificate from creditors. If needed, none better could be had, except on the condition that a penniless debtor's blood and bones be worth to his creditors worth the cost of a judgment. If the law is inquired of, the answer will be that they do not wish to pursue.

Hook & Townsend
 Walton & Fuller
 Bates & Lynde
 George E. Lockwood
 Haydoch, Calier, & Thurston
 G. P. & J. Gratacap
 Downing W. Graves
 Cromwell, Haight, & Co.
 Edmund P. Clay
 John Rider
 G. M. Emery
 H. B. Hinsdale
 S. Crosby, jr.
 J. R. Ackerman
 Baker & Lott
 Moses Hawzer
 A. H. Collis
 George W. Holland
 Annistead & Otto
 George Moore
 Henry A. Swift
 L. A. Mills
 Oliver Lincoln
 G. F. Ward
 B. T. Lee
 Mart & Banks
 James Bradley & Co.
 J. Bowen & Co.
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 Yeoman & Steele
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 David Harriot
 William Rider
 Lemuel Smith
 D. K. Granger
 Mathu & Le Compte
 George W. Gray
 R. B. Brown
 Marcus Wilbur
 H. W. Childs
 James C. Smith
 H. H. Dexter
 William V. Brady
 C. Eagles
 R. B. Vanduzer
 J. P. Black
 R. Brown

S. W. Williams
 O. P. Bates
 E. B. Watrous
 H. C. Adams
 Samuel C. Jonson
 Willim Carr
 Samuel Wilmarding
 E. J. Hollidge
 Enoch Weswall
 G. W. Soule
 W. T. Drake
 Samuel Beman
 O. Woodruff
 John Deam
 H. T. Morgan
 Theo. P. Bogah
 Horace Janes
 Adelmour W. King
 Van Norden & King
 Anthony Lane
 J. B. Wood
 Samuel W. Benedict
 W. S. Root
 David W. How
 Chas. H. Alvord
 E. H. Morgan
 Samuel Hammond
 David Beach
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 Dwight, Danforth, & Co.
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 J. Wheelock
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 Stanton Behee
 M. Hopkins
 Seaman & Wortren
 Coates, Cooper, & Co.
 Samuel Sturges
 B. C. Howard
 S. H. Noyes
 Asa Lewis
 H. A. Stillman
 D. Saterlee
 D. D. T. Marshall
 Lockwood & Gregory
 J. B. Hyde

William Wade
 E. M. Kingsley
 A. Comstock
 J. H. Raymond
 John T. Brook
 Alba Kimball
 William H. Franklin
 Bleeker & Van Dyke
 Elias Thomas
 Anson Blake & Co.
 P. Bleeker & Co.
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 George T. Jackson
 Francis Morgan
 E. K. Doe
 John A. May
 J. B. Doe
 Charles B. King
 Wilson Jacobs
 H. Buck
 Sylvester J. Edwards
 William P. McCune
 E. Jenkins
 George Jones
 F. Russell
 Charles B. Smith
 M. Clark
 H. W. Robinson
 James A. Hoyt
 E. R. Fortune
 C. F. Williams
 Edward Carrington
 Carrington & Lee
 Morgan, Holkins, & Co.
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 Edward Jenkins
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 D. Sayre
 Charles E. Lambert
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 J. F. Richards
 Lewis Palmer & Co.
 Francis Stillman & Co.
 D. Church, jr.
 D. Hunt
 David Pertrus, jr.
 William W. White
 George W. Lyman & Co.
 Edward Bullus
 H. R. Stebbins

Angier, Tucker, &
 Charles B. Mease
 Snelling, Strong, &
 Henry W. Olcott
 Alfred Kershaw
 John Kershaw
 S. W. Benedict
 H. R. Davenport
 William J. Hunt
 O. W. Woodford
 John Duffield
 John Mortimer, jr.,
 Eben Jesup, jr.
 James O. Proudfit
 Homer Morzar
 J. Mauran, jr.
 S. Van Duzer
 Granger, Birch, &
 L. H. Brigham
 William Baker
 Charles Minton
 Tracy, Gould, & Co.
 Henry H. Elliott
 G. Brownell
 Hallock & Bates
 Thomas Walden
 Lorenzo S. Hotchkiss
 Alanson J. Lord
 A. E. Hotchkiss
 Joseph Luckey
 Finlay & Lindsay
 T. B. Rogers & Son
 Christopher Cady
 F. G. Luckey
 Isaac Scott
 John Franklin
 C. R. Waruds
 S. Budick
 J. C. La Grange
 A. Fallon
 Anthony K. Dyett
 Samuel Jackson
 Daniel Fields
 William W. Gilman
 A. C. Fields
 Lemuel Arnold
 H. J. Turell
 George W. Gerard
 J. C. Crane
 J. S. Dunham
 John T. Bloodgood
 M. D. Thomas

James A. Brooks
J. E. Betts
Thomas Kensett
C. Holmes
J. F. Russell
Watson & Uhl
Nelson J. Waterbury
Eli C. Blake
Edward Smith
Truman Smith
Frederick A. Lee
Richard Schell
A. D. Trenton
S. Luke
J. Munson Beach
Charles W. Hawkins
Huntington & Campbell
H. P. & C. Corier
Banks & Dinyman
J. P. Cooke
S. McNeil
A. Keeler
Charles P. Freeman
R. F. Slocum
G. H. Ellery
A. M. Freeman

W. E. Pratt
P. Freeman
Harvey Caswell
T. Griswold
A. T. Holmes
Theodore Walsh
William Cooke
John Clossey
Samuel J. Welles
A. L. Allen
D. D. Kingsley
Lyman W. Gilbert
D. S. Turner
John B. Perdney
W. Walsenorth
M. Olcott Barry
Samuel Ellis
Ebenezer Young
J. Hunter & Son
Charles H. Gilman
John Foster
W. P. Wanton
B. H. Lillie
Silas Clapp
John Gilbert
E. M. Morgan & Co.





PETITION

OF

THE TRUSTEES OF THE FIRST PRESBYTERIAN CHURCH
OF ELIZABETHTOWN, NEW JERSEY,

PRAYING

Indemnification for property destroyed by the enemy during the Revolutionary war.

JUNE 10, 1840.

Referred to the Committee on Revolutionary Claims, and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled :

We, the pastor, session, and trustees, of the First Presbyterian Church of Elizabethtown, in the county of Essex, and State of New Jersey, respectfully present to your honorable bodies the following memorial :

The church of which we are now the ecclesiastical and corporate officers, is the oldest formed by the English in our State. It dates its origin from the year 1664, and was organized by our fathers soon after the settlement of our town. They, in the infancy of our community, erected a building for the worship of God, and dedicated it to that holy purpose ; and for nearly fifty years it was here the only temple consecrated to the service of Jehovah. Considering the time and circumstances of its erection, it was large and commodious. As the population increased, it was enlarged by an addition of 20 feet in 1760 ; when it was a substantial building, with galleries, a high steeple, a bell, and a townclock. And as this was the chief town for many years in the province, it was always kept with great neatness, and in a fine state of repair.

On the first settlement of our town, a large town-lot was set apart for the use of the pastor, on which our fathers early erected a parsonage-house as a residence for their successive ministers. It was a long building, a story and a half high, and ample for the accommodation of a large family. It was, like the church, the public property of the congregation.

Feeling a deep solicitude for the education of their children, our fathers, at a very early day in our history, here erected an academy. It was substantially built of wood, two stories high, and amply commodious for all the purposes of its erection. For many years it was the most celebrated insti-

Blair & Rives, printers.

tution of the kind west of the Hudson. In it a Burr, who a chair of President in your Senate chamber, and a Jonathan presided in the House of Representatives, an Aaron Ogden, a Rensselaer, and others not unknown to your council chambers country, received the first rudiments of their education. In were laid the foundations of the college of New Jersey now Princeton; and within its walls President Jonathan Dickenson first classes ever connected with that institution. This also erty, and was under the supervision of the trustees of our clun

When the glorious war of our Revolution commenced, what our independence, these buildings were all standing and in and each devoted to the purposes of its erection. The *Caldwell* was then the pastor of this church. His name and interwoven with the history of his country, and are as dear to to the church of God. Influenced not less by his sense of our by the impulses of his vigorous mind and glowing enthusiasm early and deeply interested in the conflict, and devoted all h less to the freedom of his country than to the service of his was his influence over his people that, with few exceptions, one with him in sentiment and feeling; and thenceforward were branded as the rebel parson and parish. To the enemy try he was an object of the deepest hatred; and such was thirst for his life that, while preaching the gospel of peace he was compelled to lay his loaded pistols by his side in the avoid their vigilance and violence, he was compelled to de home, with his large family of nine children, and to seek a te dance in the interior. The parsonage thus vacated by him resting-place of our soldiers.* And to deprive them of its st vent a rankling enmity toward its rightful occupant, it w burnt by the enemy.†

The church in which our fathers worshipped God, also resting-place of our soldiers on several occasions.‡ There after the labors of the day, while its steeple was their watch-tall pealed forth in quick succession the notes of alarm on the danger. And for the purpose of depriving them of its shelter enmity to the patriotic and eloquent occupant of its pulpit, it to ashes by the enemy,§ on the night of the 25th of January, 1

At the sound of the tocsin of war our academy was desert country's call, its scholars ran from their masters, and with rescue; and it was converted into a store-house|| for the prov American army. This, also, after plundering it of its provis duced to ashes by the enemy,¶ who immediately retreated | on Staten island, carrying the beef and pork taken on the bayonets.

Not satisfied with this, the accomplished wife of our beloved shot by a British ruffian, on the 7th day of June, 1780, while her children in the retirement of her closet, praying that v perch on the banner of her country. And on the 24th of Nov

* See affidavit 1.

† See affidavits 2, 3, 4, and 6.

‡ See affidavits 2 and 4.

§ See affidavits 2, 3, 4, 5, and 6.

|| See affidavits 2, 3, 4, and 5.

¶ See affidavits 2, 3, 4, 5, and 6.

Our beloved pastor himself was shot by another ruffian, a sentinel of our own army, bribed to the horrid deed by British gold. Thus, in the course of a few months, we were deprived of our church, and of our parsonage and academy, and of our beloved pastor and his wife; and so scattered and weakened and impoverished were we by the war, that for seven long years we were without a sanctuary in which to worship God. And yet amid these accumulated ills our fathers never faltered for a moment. They felt that, however dark and lowering was the morning, that at eventide, there would be light. However, in other parts of our country, they may have been separated, on this soil prayer and patriotism were united. The one inspired the other with courage and confidence.

As a people, we suffered as much in the loss of our citizens in battle as any town of the same population in this land. The blood of our fathers and brothers and neighbors mingles with the soil of Flatbush, and Monmouth, and Princeton, and Trenton, and Brandywine, and Germantown. But for their sufferings and blood, we feel amply repaid in the possession of that broad inheritance of civil and religious liberty which they so dearly purchased for us.

As a congregation we contributed our fair proportion to the civil and military service of the Revolution. To the army we gave a Dayton, father and son, a Spencer, an Ogden, and, as chaplain and commissary, our beloved Caldwell. To the State and national councils we gave a Boudinott, a Livingston, a Clarke, a Dayton, an Ogden. Where, in our land, is there another congregation which has made a like contribution? And we feel not merely proud, but thankful to God, that we were enabled to send such men to the field and to the cabinet in the day of darkness and peril, when wisdom to direct was as necessary as valor to execute.

Owing to our vicinity to Staten island and New York city, the grand depots of the enemy, we suffered very much as a people from midnight alarms and plunder, from the burning of our houses and property, and from the taking of our citizens from their beds and fields as prisoners, and incarcerating them in the famous sugar-house in New York. But these things we regard as necessarily incidental to the great contest; and a few old Romans there are yet among us who remember the cup of wormwood, but who yet rejoice in sufferings that have resulted so gloriously.

For these things we ask no remuneration. Congress could grant us no equivalent. We would not sell the laurels we have won in the Revolutionary contest for the public domain. We mention these things merely to show you the amount of our contribution to the wisdom, and valor, and firmness, and suffering, which achieved our glorious independence.

All that we desire now from our country is a compensation for our *public* property destroyed; and destroyed *because of being converted to public purposes for the benefit of the American army*. And the evidence that our parsonage, and church, and academy, were so used, is hereby respectfully submitted with this our memorial.

And such is our sense of honor, that we do not wish to draw from the national Treasury the small compensation hereby solicited, unless it is considered rightfully our due.

ELIZABETHTOWN, NEW JERSEY,
February 29, 1840.

NICHOLAS MURRAY, *Pastor*.

Session.

DAVID MEGIE,
ALEXANDER OGILVIE,
JAMES F. MEEKER,
WILLIAM BROWN,
JOSEPH S. MEEKER,

JOHN J. BRYAN
ELIAS WINANS
JONAS W. WILSON
JAMES ROSS,
EDWARD SANBORN

Trustees.

ELIHU BRITTIN, *President.*
JOHN STILES,
WILLIAM F. DAY,
JOSEPH HINDES,

OLIVER PIERCE
A. S. HEFFIELD
M. M. WOODRUFF

No. 1.*Affidavit of Polly Baker.*

NEW JERSEY, *Borough of Elizabeth, ss.*

Polly Baker, of the said borough of Elizabeth, on her oath saith she is in the eighty-seventh year of her age; that she well remem-
bered an old parsonage, in which Mr. Caldwell lived during the Revolution, and that the American soldiers billeted in it at that time.
saith not.

POLLY
m

Sworn and subscribed before Elias Winans, one of the judges of the court of common pleas in and for said borough of Elizabeth on the 10th day of February, A. D. 1840 "of the said borough of Elizabeth
written.

ELIAS

No. 2.*Affidavit of Mrs. Elizabeth Woodruff.*

BOROUGH OF ELIZABETH, *ss.*

Be it remembered that on this twentieth day of February, 1840, before me, Elias Winans, one of the judges of the court of common pleas in and for the said borough of Elizabeth, in Essex and State of New Jersey, personally appeared Elizabeth Woodruff, widow of Joseph Woodruff, deceased, of the township of Elizabeth, county and State aforesaid, who, being by me first duly sworn, deposeth and saith: That she is in the seventy-seventh year of her age; that she remembers distinctly the old academy at Elizabethtown during the Revolutionary war; that it was stored with provisions for the American soldiers, particularly with flour; and that it was burnt by the British, or by the refugees.

And deponent further saith : That her recollection is distinct as to the old Presbyterian church, situated also in Elizabethtown during the Revolutionary war ; that it was used for religious services on the Sabbath ; that she has often heard the Reverend James Caldwell preach therein ; that she has often gone to the church on the Sabbath and found the seats so dirty and greasy as to be inconvenient for sitting down ; that there was straw in it ; that the American soldiers were in the habit of sleeping in it by night, and of going in and out of it by day during the week ; and that it was also burnt by the British or by the refugees.

And deponent further saith : That she remembers the old parsonage in which the Reverend James Caldwell lived ; that it was also destroyed by the British or by the refugees ; and that previous to the burning of the church as aforesaid, the old barracks, in which the American soldiers quartered, had been burnt by the British or by the refugees.

And deponent further saith : That she is clear in her recollection of the Reverend James Caldwell ; that he preached in the old Presbyterian church aforesaid, and was the pastor of the congregation that worshipped therein ; that he was a commissary to the American soldiers ; that he was very active during the war in his country's cause ; and that such was the dislike toward him by the refugees that they exclaimed, as deponent has often heard, and verily believes—they would throw the "black general" (meaning the Reverend Mr. Caldwell) into the flames of the burning church if they could catch him ; and that he was afterwards shot by one Morgan. And deponent further saith not.

ELIZABETH WOODRUFF.

Sworn and subscribed before me the day and year first above written.
ELIAS WINANS.

No. 3.

Affidavit of John Stiles, senr.

BOROUGH OF ELIZABETH, ss.

Before me, Elias Winans, one of the judges of the court of common pleas in and for the said borough of Elizabeth, on this twenty-second day of February, A. D. one thousand eight hundred and forty, personally came John Stiles, sen., of the township of Elizabeth, in the county of Essex, and of the State of New Jersey, who, being duly sworn according to law, on his oath, saith : That he is now in the seventy-fourth year of his age : that he can remember well the old school-house or academy in Elizabethtown ; that it was used as a store-house for American provision, and that it was burnt during the Revolutionary war. And, further : deponent remembers distinctly the old Presbyterian church in Elizabethtown, in which the Rev. James Caldwell preached, and that it was burnt soon after the old academy. And, further : deponent is distinct in his remembrance of the old parsonage in which the Rev. James Caldwell lived ; that it was burnt about the time of the burning of the old academy, and that he was at the ruins shortly after its destruction. And deponent further saith, that he is a carpenter by trade ; and that he would value the old academy at about one thousand dollars, the old church at about four thousand dol-

lars, and the old parsonage at about
deponent saith not.

Sworn and subscribed before me,

—

N

Affidavit of M

BOROUGH OF ELIZABETH, ss.

Before me, Elias Winans, one of
in and for the said borough of Eliz
of New Jersey, on the fourth day o
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bert, the widow of John Egbert, de
county and State aforesaid, who bei
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diers, and that it was burnt by the
sometime in the early part of sev
while it was burning, she assisted i
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that said church was also burnt by
near the same time in which the sa
and that previous to its being burn
a commissary house, and that the
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Caldwell lived; and that said parso
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Affidavit of A

BOROUGH OF ELIZABETH, ss.

Be it remembered that, on the t
before me, Elias Winans, one of the

in and for the said borough of Elizabeth, in the county of Essex, and State of New Jersey, personally appeared Tenrub Price, of the township of Elizabeth, in the county and State aforesaid, who, being by me first duly sworn according to law, on his oath, deposed and saith : That he is in the seventy-seventh year of his age ; that he remembers well the old Presbyterian church, situated in Elizabethtown, during the Revolutionary war ; that it was burnt on the night of the twenty-fifth day of January, A. D. 1780 ; that, on the same night, he, together with his three brothers, was taken prisoner by a scouting party of the enemy, and carried to New York, where he and they were confined in the Sugar House, as it was then called, for some length of time ; that, while he was thus prisoner, he heard one Cornelius Hetfield making his brags that he had burnt the old church at Elizabethtown, and that "*old Caldwell*," as he said, should not preach there any more ; that said Hetfield was a notorious refugee ; that deponent has often heard the Rev. Mr. Caldwell preach in the said church ; that said church was a large, comfortable meeting-house, being enclosed with shingles, and having lower window-shuts, a steeple, belfry, bell, and clock ; and that such a building as said church was, could not be built at the present time for less than ten thousand dollars.

And deponent further saith : He remembers the old academy, situated near the church aforesaid ; that it was a two-story frame-house ; that it was used as a store-house for provisions for the American soldiers ; and that such a building could not be built now for less than two thousand dollars.

And deponent further saith : That he remembers the old parsonage in which Mr. Caldwell lived ; that it was a large, long, and low one-story-and-a-half house ; and that it could not be built at this time for less than two thousand dollars, and further deponent saith not.

TENRUB PRICE.

Sworn and subscribed, before me, the day and year first above written.
ELIAS WINANS.

No. 6.

Affidavit of David Mejie, senr.

BOROUGH OF ELIZABETH, ss.

Before me, Elias Winans, one of the judges of the court of common pleas in and for said borough of Elizabeth, in the county of Essex, and State of New Jersey, on this fourth day of February, eighteen hundred and forty, personally appeared David Mejie, senior, of the township of Union, in the county and State aforesaid, who, being by me duly sworn, on his oath, deposed and saith : That he is in the seventy-fifth year of his age ; that he well remembers the Rev. James Caldwell, as being the pastor of the Presbyterian church in Elizabethtown, before and during the year A. D. 1780, and as being a very zealous and devoted friend of the American cause during the Revolutionary struggle, and at that time when he was pastor as aforesaid. That said Rev. J. Caldwell, by his activity and devotion in and to his country's cause, and against the enemy, became an object of great antipathy and dislike to the British ; and that said ill-feeling was extended also to the church and congregation over which he was pastor as aforesaid.

And deponent further, on his oath aforesaid, saith : That he recollects the old church in which the Rev. James Caldwell aforesaid, situated in Elizabethtown ; that it was a very comfortable house, enclosed with shingles on all sides, and having a bell, and a clock ; that he has often heard the Rev. James Caldwell preach therein ; that it was burnt by the British, or their followers, during the year A. D. 1780, near the beginning of the year ; and, as deponent has heard said, and verily believes, because of the dislike toward him and his church.

And deponent further saith : That he also has a distinct recollection of the old parsonage, situated in Elizabethtown, in which the Rev. James Caldwell lived ; that it was a large, double, one-story house which was also burnt, at or about the time of the burning of the church by the British or their followers ; and because, as deponent has heard said and believes, of the dislike of the enemy toward Mr. Caldwell and his church.

And deponent, on his oath aforesaid, further saith : That he also remembers the old academy, situated near the church aforesaid, in Elizabethtown, and that it also was burnt by the British, or their followers, at the time of the burning of the church and parsonage aforesaid.

And deponent further saith : That he verily believes that the church aforesaid, and the parsonage aforesaid, and the academy aforesaid, were respectively worth, and he would appraise them, as follows, to wit : the church at three or four thousand dollars, the parsonage at one thousand dollars, and the academy also at five hundred dollars. And further deponent has nothing more to say.

DAVID LYON

Sworn and subscribed, before me, the day and year first above written.
ELIAS

No. 7.

Affidavit of David Lyon.

ESSEX COUNTY, ss.

Before me, Stephen P. Brittin, one of the judges of the court of pleas in and for the county of Essex, and State of New Jersey, on the nineteenth day of March, A. D. eighteen hundred and forty, personally appeared David Lyon, of the township of Union, in the county and State of New Jersey, who, being by me duly sworn according to law, on his oath deponent saith : That he is in the eightieth year of his age : that he distinctly remembers the old academy, situated in Elizabethtown, during the Revolutionary war : that it was a wooden building : that it was used as a storehouse for the American provisions : and that it was burnt sometime in the year 1780 by the British, or by their adherents. And deponent further saith : That he is clear in his recollection of the old Presbyterian church, situated in Elizabethtown, before and during some part of 1780 : that the Rev. James Caldwell well preached in it on the Sabbath ; and that, on the other days of the week, its doors were open for a kind of a rendezvous for the Americans, whom he remembers to have seen frequently go in and out of the church, and that the church was considered by the enemy as the seat of rebellion.

in January, of 1780, it was burnt by the British or their adherents. And deponent further saith, that he well knew, and still well remembers, the Rev. James Caldwell : that he was the pastor of the congregation that worshipped in said church : that he was very active and zealous in supporting the American cause during the Revolutionary struggle : that he was a comrade to the American soldiers : and that deponent has frequently treated and done business with him in that capacity : and that, by his activity, he became the object of great hatred in the minds of the British adherents. And deponent further saith, that he recollects very distinctly the old parsonage attached to the church aforesaid : that it was an old-fashioned, large double house : that it was the residence of the Rev. James Caldwell : and that it also was burnt by the British adherents during the year 1780. And deponent further saith, that it was the general opinion of those and later times, and it is now his belief, that the activity and zeal of the Rev. James Caldwell as aforesaid, and the fact of the meeting-house and academy, being so used as aforesaid, produced, in the feelings of the British adherents, such an antipathy and hatred, as to cause them to burn, as aforesaid, the academy, church, and parsonage. And deponent further saith, that he verily believes, and would so say, that said academy was worth at least eight hundred dollars ; said church, at least three thousand dollars ; and said parsonage, at least one thousand dollars. And further deponent saith not.

DAVID LYON.

Sworn and subscribed before me, the day and year aforesaid, as first written.

S. P. BRITTIN.

No. 8.

Affidavit of David Williams, jr.

BOROUGH OF ELIZABETH, ss.

Be it remembered, that, on the 2d day of April, A. D. 1840, before me, Elias Winans, one of the judges of the court of common pleas in and for the said borough of Elizabeth, in the county of Essex, and State of New Jersey, personally appeared David Williams, jr., of the township of Union, in the county and State aforesaid ; who, being by me duly sworn, on his oath deposeth and saith : That he is in the eighty-first year of his age ; that he remembers distinctly the old academy situated in Elizabethtown during the Revolutionary war ; that it was used as a store-house for the American provisions ; that it was burnt during the war ; and that, in deponent's estimation, it was worth about fifteen hundred dollars.

And deponent further saith : That his remembrance of the old Presbyterian church in Elizabethtown during the war, is distinct ; that he has often been to church therein during his boyhood ; that the American soldiers were in the habit of billeting in it, after the old barracks was burnt ; that it also was soon after burnt ; and that, in deponent's opinion, it was worth from three to four thousand dollars.

And deponent also well remembers the Reverend James Caldwell ; that he preached in the old church aforesaid ; that he was the zealous friend

and active supporter of the American cause ; and that, in
thereof, he was bitterly hated by the enemy ; and further dep
DAVID WIL

Sworn and subscribed before me, the day and year first at
ELIAS

No. 9.

*A true extract from the minutes of the Board of Trustees
Presbyterian Church, of a meeting of said trustees, held
1767.*

" It being represented to this board that divers well-disposed
sible of the importance of the grammar-school now kept in
der the care of Messrs. Reeves & Pemberton, and that the
properly regulated, be of great advantage to the interest of
voluntarily entered into a subscription to the amount of s
and upward, payable to this board on demand, in trust for t
a school-house for the better accommodation of the said gr
in such place as this board shall order : *Provided*, That the
agement of said school be left entirely to the said Messrs. R
berton, or either of them, so long as they, or either of them, s
to continue the care and management thereof. This board
matters into consideration, and hoping, if properly managed,
may hereafter (when the said Messrs. Reeves & Pemberton
same) become a good foundation for teaching a number of t
this town, who may be supported from the profits thereof
unanimously

1. *Resolved*, That this board will accept of the said sub
do order that a proper house be erected on the uppermost enc
yard lot, under the care of Messrs. Smith & Spinning, of t
Dr. Wm. Barnet and Nehemiah Wade, of the congregation.

2. *Resolved*, That this board, in case of deficiency in the
that have been, or may be, obtained for completing the house
what moneys may be found necessary for that purpose out
which was given as a legacy for the use of this church (be
£100) by Joseph Ogden, deceased, or will take up the same
of the bond given for that legacy, and the interest of whatever
advanced for the purpose aforesaid, and shall be the least r
year, to be paid by the master or masters who shall occupy't

3. *Resolved*, That, during the continuance of the prese
either of them, in the said school-house, this board approving
management and methods of education, and confiding in the
prudence, and skill, will not interfere in the internal affair
school, by making any rules or orders for the better regulatio
ment of the same, unless it be merely by council and advice,
appoint visitors, who shall once a quarter, or oftener, visit the
order to direct and attend an examination of the boys, and
report the progress and improvement made in their learning
not only tend to excite an emulation in the youth to study

such visitation will be greatly satisfactory to the parents and guardians of the pupils, and advance the interest of the establishment."

BOROUGH OF ELIZABETH, ss.

Before Elias Winans, Esq., one of the judges of the court of common pleas in and for said borough, personally appeared, William F. Day, who, on his oath saith : That he is the clerk of the board of trustees of the First Presbyterian Church ; that he hath in his possession the books of minutes and proceedings of the said trustees, and that the foregoing is a true extract from the oldest of said books of minutes and proceedings of said trustees : and further saith not.

WILLIAM F. DAY.

Sworn and subscribed before me, the 18th day of April, A. D. 1840.
ELIAS WINANS.

No. 10.

Affidavit of Phebe Brown.

NEW JERSEY, Borough of Elizabeth, ss.

Personally appeared before me, Elias Winans, one of the aldermen of the borough of Elizabeth, in the county of Essex and State of New Jersey, and one of the judges of the court of common pleas in and for the same, on this fourteenth day of May, A. D. one thousand eight hundred and forty, Phebe Brown, who, being by me first duly sworn according to law, on her oath deposeth and saith : That she is now in the eighty-second year of her age ; that she well remembers the scenes of the Revolution of our country ; that she then lived within about three miles of Elizabethtown ; that she recollects distinctly the old academy situated in Elizabethtown previous to the year A. D. 1780 ; that it was used for the purpose of keeping the victuals, &c., for the American soldiers ; that it was burnt by the British, or by those in their service. And deponent further saith, that she remembers well the old Presbyterian church, also situated in Elizabethtown ; that she has often heard the Reverend Mr. Caldwell preach therein ; that the American soldiers were in the habit of making it the place of their quarters ; and she has often found the seats in the church dirty and greasy when going there to church ; that this church was also burnt by the British, or by their adherents. Deponent further saith, that she also well remembers the Reverend Mr. Caldwell ; that he was a very zealous patriot, and, by his zeal and activity, incurred the hot displeasure of the British and tories. And further deponent saith not.

her
PHEBE + BROWN.
mark.

Sworn and subscribed before me, the day and year first above written.
ELIAS WINANS.

PETITION

OF A

NUMBER OF HATTERS IN NEWARK, NEW JERSEY,

Praying the imposition of a duty on imported hats.

JUNE 10, 1840.

Referred to the Committee on Manufactures, and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States of America, in Congress assembled:

Your petitioners, engaged in the making, finishing, and sale of hats, in the city of Newark, and State of New Jersey,

RESPECTFULLY SHOW :

That a reasonable preference to their own citizens is the acknowledged duty of a free nation; that to leave wholly unprotected domestic manufactures, will be for the benefit of foreign countries, and to the injury of our own. That it has therefore been the policy of this, and all great nations, by the imposition of a reasonable duty on foreign wares, to encourage their own citizens. That the times demand that every thing possible should be done for the relief of a suffering people. That notwithstanding, certain manufactures, in the making of which your petitioners are engaged, to wit: silk-hats, fur-bodies, and felts, have been imported duty-free, in large quantities, during the past year, to the great detriment of this large branch of manufactures, and the manifest grievance of your petitioners; that, if this should continue, the wages and profits of all hatters must be further reduced, and many more of our industrious citizens be thrown and kept out of employment. Wherefore, your petitioners would humbly pray the imposition of such a duty upon silk-hats, fur-bodies, and felts, as to your honorable bodies shall seem reasonable and just, and sufficient to relieve your petitioners in the premises.

And your petitioners will ever pray, &c.

WILLIAM RANKIN, and others.



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IN SENATE OF THE UNITED STATES.

JUNE 10, 1840.

Submitted, and ordered to be printed.



Mr. HUBBARD made the following

REPORT:

[To accompany bill S. No. 364.]

The Committee of Claims, to whom was referred Senate bill No. 364, for the relief of Ephraim D. Dixon, report :

That the claimant was captain of a company of mounted gun-men, in General Coffee's brigade of Tennessee volunteers, in the year 1814. The horses of the company under his command, while employed in the service of the United States, were shod at the claimant's blacksmith shop; and he now presents his account for allowance and payment. The account is properly certified by the claimant, as commander of the company, and appears to have been examined and approved by General Coffee, who gave the claimant an order upon the assistant deputy quartermaster general at Nashville, for the sum of one hundred and fifty-two dollars, being the amount of the account now presented. This account was not paid by the assistant deputy quartermaster general; and, upon being afterward presented to the proper department at Washington, was disallowed, on the ground that there was no law or usage to justify the payment of such claims.

The committee have found two cases where Congress has authorized the payment of similar claims. The first was the case of William Chism, a captain in General Jackson's army, in 1814, who advanced the money to the blacksmith who shod the horses of his company. Congress, in 1817, passed an act authorizing the payment of the money thus advanced.

The other case is that of William East. This claim was for shoeing horses, in 1814, for Captain Hodges's company of mounted volunteer gun-men, belonging to General Coffee's brigade. As in the present case, he received an order on the assistant deputy quartermaster general at Nashville, for the amount of his account, which was not paid. A bill for his relief was passed at the last session of Congress.

The only objection which has ever been raised to the payment of claims of this character, rests upon the belief that the act of 1795, which provided for the payment of forty cents per day to militia cavalry for the use and risk of their horses, arms, and accoutrements, was intended to cover all charges of this description. Congress, however, in the two cases referred to, have given a different construction to this provision of the act of 1795; and, upon inquiry, the committee have ascertained that the Second Comp-

troller of the Treasury, in passing upon this class of claims, of the Florida war, has also considered the charge for shoeing not included within the provisions of the act of 1795.

Under these circumstances, the committee being satisfied that charged in the claimant's account were performed by him upon and for the benefit of the United States ; that he has never received payment therefor ; and that Congress has allowed and paid similar claims of other individuals—think it would be unjust to withhold payment in the present case ; and therefore *report back the bill, without amendment, and recommend its passage.*

RESOLUTIONS

SUBMITTED

By MR. WEBSTER, relative to a reduction of the postage on Letters.

JUNE 10, 1840.

Submitted, laid upon the table, and ordered to be printed.

Resolved, That the rates of postage charged on letters transmitted by the mails of the United States ought to be reduced.

Resolved, That it is expedient to inquire into the utility of so altering the present regulations of the Post Office Department as to connect the use of stamps, or stamped covers, with a large reduction of the rates of postage.

Extract from a newspaper published in the city of London.

THE PENNY-POSTAGE STAMPS.

Yesterday the following notice was issued by the post-office authorities:

GENERAL POST OFFICE, *April 28, 1840.*

NOTICE TO THE PUBLIC.

The Lords of the Treasury having fixed the 6th of May next for the issue of postage-stamps, on and after that day all letters written on stamped paper, or enclosed in stamped covers, or having stamps affixed to them; the stamps in every such case being equal in value or amount to the rates of postage now chargeable on such letters, if prepaid, will pass free of postage in whatever part of the United Kingdom they may be posted.

In those cases where the value of stamps on the letter is less than the amount of the postage to which it would be now liable, if prepaid, the letter will be charged double the amount of such difference on delivery. An inland letter, for example, weighing more than half an ounce, and not exceeding an ounce, if bearing only a penny stamp, will be charged two-pence, on delivery.

The same regulation applies to letters prepaid by money, where the full and proper rate of postage has not been paid in advance.

Stamps may be used for printed votes and proceedings in Parliament; if the stamps, however, should be less in value than the proper rate of postage to which these documents are subject, only the difference, and not double the difference, is to be charged.

Blair & Rives, printers.

COMMERCE,

posed bankrupt law

ordered to be printed

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MEMORIAL

OF

THE NEW YORK CHAMBER OF COMMERCE,

PRAYING

The adoption of certain provisions in the proposed bankrupt law.

JUNE 11, 1840.

Referred to the Select Committee on that subject, and ordered to be printed.

To the Senate and House of Representatives of the United States in Congress assembled :

The memorial of the Chamber of Commerce, of New York,

RESPECTFULLY REPRESENTS :

'That, however important and beneficial in its effects might be the operation of a general bankrupt law, judiciously constructed, it is hardly to be expected that, under the present circumstances of the country, any law could be devised whose operation would not be too unequal to warrant the hope that the benefits expected on the one hand would be equal to the injurious consequences anticipated on the other.

The widespread commercial distress that has attended the course of the last three years, has left too many traces in the altered condition of the country not to have attracted the attention of the statesman, or called for the interference of the National Legislature ; and although a period rather of prosperity than adversity would, no doubt, be more favorable to the due consideration of this important question, the chamber is, at the same time, aware that, without the existence of some pressing necessity, the subject of a bankrupt law would not be likely to present itself with sufficient force to engage the serious consideration of Congress. While, therefore, the exercise of caution is necessary, lest our sympathies should be enlisted too strongly in favor of those who have suffered most, to the neglect of the rights and interests of those who have also suffered severely, still, in the opinion of the chamber, it is both natural and just that Congress, to whom, alone, the power is delegated, should manifest a desire to relieve some portion of the distress of the country by means of the provisions of a bankrupt law, founded upon practical information as to the state and condition of the nation, and framed under the guidance of an extended forecast and an enlightened philanthropy, and thus be enabled for the benefit, as well of creditors as of the Union at large, to rescue from depression, and restore to usefulness, a portion of that intelligence, integrity, and industry, which form the essential elements of a nation's prosperity.

As this important subject is now engaging the attention of Congress,

Blair & Rives, printers.

and as memorials in favor of the general principles of su
merly proceeded from this body, the chamber begs lea
express its opinion that a bankrupt law, to be extensi
manently beneficial, should be both compulsory and
a compulsory act, it should apply to traders only, and
it should require the sanction of a majority of creditors
lease the applicant, with liberal provisions giving disc
the judge, on application of the commissioners, and on a
in cases of hardship or oppression; that no debt, of a
should be preferred, and that the operation of any law
during the present session of Congress should be defe
1st July, 1841.

ISAAC CAR

EDWARD A. B. GRAVES, *Secretary.*

NEW YORK

DEAR SIR: The Chamber of Commerce, of this city
yesterday, for the special purpose of acting upon the s
bankrupt law, adopted, unanimously, the memorial w
enclosed, and which you will please lay before the
occasion. Very respectfully, your obedient servant,

EDWARD A. B.

Secretary N. Y. Chambr

Hon. SILAS WRIGHT, *U. S. Senate.*

RESOLUTIONS

ADOPTED AT A

MEETING OF THE CITIZENS OF FRANKFORT, MAINE,

IN FAVOR

Of the construction of fortifications on the Penobscot river.

JUNE 11, 1840.

Referred to the Committee on Military Affairs, and ordered to be printed.

At a meeting of the citizens of Frankfort, convened at the Frankfort House, on Monday evening, April 13, 1840, to take into consideration the subject of fortifications on the Penobscot river, the meeting was called to order by Isaac Allard, Esq.

Captain Isaac Millikin was called to the Chair, and Daniel Toby and Nathaniel H. Hubbard, Esqs., were appointed Secretaries.

Mr. Kelley having stated the object of the meeting, a committee of seven were appointed to draught resolutions to lay before the meeting. The committee consisted of Messrs. Albert L. Kelley, Nehemiah Rich, Isaiah Rich, jr., Nathaniel H. Hubbard, Jonathan Merrill, Archibald Jones, and Isaac Allard, who, after having retired about an hour, presented the following resolutions:

Resolved, That the State of Maine presents an extensive seaboard, a large portion of which is entirely unprotected by fortifications of any description; that we have looked silently on and seen our common treasure expended for the common good in the north, south, and west, while the east has been neglected.

Resolved, That it is the duty of the General Government to proceed, without delay, in erecting fortifications on the Penobscot river.

Resolved, That, in this hour of urgent need, when in danger of collision with a foreign power, we must insist, with moderation and firmness, on a just and equal distribution of public improvements and defences; and that we shall entertain confidence in and respect for the General Government, in proportion to the regard it evinces for our welfare, and the disposition it manifests to protect our soil from foreign aggression.

The resolves having been reported and read, Mr. Kelley addressed the meeting for about an hour in their support, urging the peculiar relations that now exist between this country and Great Britain as a sufficient cause for prompt and energetic action on the subject before the meeting.

Voted, unanimously, To accept the resolutions.

Voted, That the resolutions be signed by the chairman and secretaries, and published in the public prints; and that a copy be forwarded to each of the Senators and Representatives of Maine in Congress; and that the Representative from this district be requested to present them to the House of Representatives, and one of our Senators to present them to the Senate.

Blair & Rives, printers.



Voted, That the foregoing resolves be printed, and for to the last resolution ; and the committee which draught were chosen a committee for that purpose.

ISAAC MILLIK

DANIEL TOBY,
N. H. HUBBARD,
Secretaries.

IN THE SENATE OF THE UNITED STATES.

JUNE 11, 1840.

Submitted, and ordered to be printed.

Mr. PRENTISS made the following

REPORT :

[To accompany bill H. R. No. 167.]

The Committee on Pensions, to whom was referred " An act for the relief of Mathew Wiley," report :

Two terms of service are set forth : one in 1776, and the other in 1777. In 1776, he says, he volunteered for six months ; served nearly three months ; was then taken sick and languished for nine weeks, " during which time he was honorably discharged, and was removed to his father's house." In 1777, he claims to have served two months. John Wiley testifies that he served six months in 1776 and two months in 1777 ; he states nothing about the sickness. The claimant's statement is, then, the main evidence in the case ; and the committee think that the probability is that the claimant was discharged very soon after he became sick ; and this is inferred from his own statements. Six months' service is not satisfactorily established ; John Wiley's testimony proves nothing but the naked fact of service.

The indefinite postponement of this bill is recommended.

Blair & Rives, printers.



IN SENATE OF THE UNITED STATES.

JUNE 11, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT :

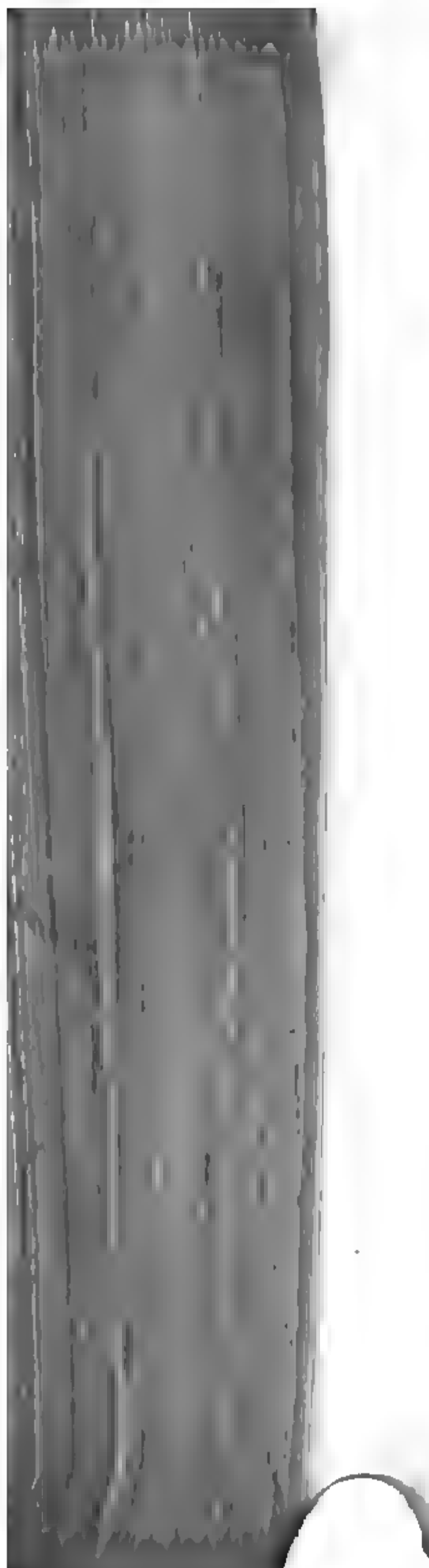
[To accompany bill H. R. No. 142.]

The Committee on Pensions, to whom was referred "An act for the relief of Wealthy Barker, widow of (Isaac) Barker, deceased," report :

It appears, from an examination of this case, that the husband, living on his farm in Middleton, Rhode Island, while the British were in possession of that State in the revolutionary war, rendered useful service by conveying intelligence of their movements to the American officers by means of concerted signals ; but the service was not of a military character. It was performed under no military obligations, and did not, as is acknowledged, interfere with the ordinary occupations of his farm ; and does not come within the spirit and equity of the pension laws.

The committee recommend the indefinite postponement of the bill.

Blair & Rives, printers.



IN SENATE OF THE UNITED STATES.

JUNE 11, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT:

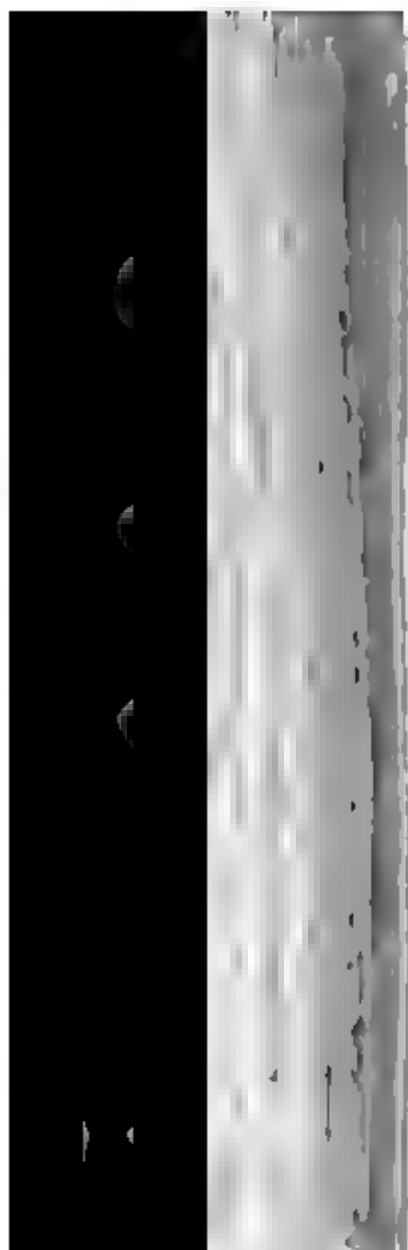
[To accompany bill H. R. No. 172.]

The Committee on Pensions, to whom was referred "An act granting a pension to Stephen Olney," report :

The only evidence in the case is the statement of the claimant, and he does not allege but five months' actual service. A certain length of time, not specified, is claimed, while he was *drawing rations, raising alarm poles, paying the soldiers, &c.* ; which cannot be allowed.

The committee recommend the indefinite postponement of the bill.

Blair & Rives, printers.



IN SENATE OF THE UNITED STATES.

JUNE 11, 1840.

Submitted, and ordered to be printed.

Mr. WHITE made the following

REPORT:

[To accompany bill H. R. No. 183.]

The Committee on Pensions, to whom was referred House bill 183, entitled, "An act for the relief of Mary Hunter," report:

Mary Hunter is the widow of James Hunter, deceased, an officer in the last war, who was, at the time of his death, in the receipt of an invalid pension. This bill proposes to grant to her arrears of pension at the rate of \$11 33 $\frac{1}{4}$ per month from January 1, 1815, to March 4, 1834. The views of this committee in relation to cases of the same character, have been expressed frequently in reports to the Senate during this session. They are, that neither justice nor sound policy would warrant grants of the kind, and they have been sanctioned by the Senate.

The committee recommend the indefinite postponement of the bill.

Blair & River, printers.





IN SENATE OF THE UNITED STATES.

JUNE 13, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT :

[To accompany bills H. R. Nos. 182, 185, 188, 203, and 204.]

The Committee on Pensions, to whom were referred "An act for the relief of Fielding Pratt," "An act for the relief of Job Wood," "An act granting a pension to Neil Shannon," "An act for the relief of Levi Johnston," and "An act for the relief of Samuel B. Hugo," report :

These are all claims for invalid pensions. Pratt alleges that he was severely wounded by a piece of timber in the head and shoulders at the blowing up of the platform at the siege of Fort Erie, in 1814. He continued in the service more than two years after this, till October, 1816, when, upon his procuring a substitute, he was discharged; but, in his discharge, notwithstanding it is said he was a long time in the hospital, no mention is made of any injury. The surgeon's certificate, made twenty-two years after the injury, is entitled to but little weight. Samuel M. Asbury, who is now an applicant for an increase of his pension, is the sole witness. He was wounded, August 4, 1814, at Mackinaw, for which he is pensioned; and says that he was a sergeant in Captain Chume's company, 17th regiment of United States infantry, to which Pratt belonged at the time Pratt was wounded, which was about the 1st of September, 1814. The assault was on the morning of August 15, 1814; and in the official account of it, neither this company nor regiment is named. The disability and alleged cause are not connected by the testimony.

In the case of Job Wood, the evidence does not satisfy the committee that the disability was caused by any injury growing out of his service, while in the line of his duty.

Neil Shannon asks for relief on account of a disability, occasioned by the dislocation of his shoulder during his service in the last war. The surgeons do not state the present degree of disability. The officer under whom he served testifies that he received the injury while he was in the service; but he does not undertake to say that he was in the line of his duty at the time. The circumstances under which it took place are not given. In 1836 the Commissioner of Pensions required that the officer should make an additional affidavit, setting forth particularly all the circumstances connected with the origin of the disability. Nothing of the kind appears among the papers, and no explanation is given why the requirement was not complied with.

In the case of Levi Johnston, there is no evidence to cause, and degree of disability; and the fact that it was i of his duty, is not made out.

The evidence in the case of Samuel B. Hugo is deeficient to support his allegations.

The committee recommend that these bills be severally nitely.

IN SENATE OF THE UNITED STATES.

JUNE 13, 1840.

Submitted, and ordered to be printed.

Mr. PIERCE made the following

REPORT:

[To accompany bill H. R. No. 175.]

The Committee on Pensions, to whom was referred "An act for the relief of Peter Headrick of the State of North Carolina," report:

The claimant was allowed a pension in 1834, but upon a review of the case, the pension was discontinued. The Commissioner of Pensions, in a letter of January 25, 1838 (accompanying the papers) says, "the claim was admitted in 1834 on his own affidavit, supported by traditionary evidence alone." "Upon reviewing the case it is obvious, that, as all the militia service rendered in North Carolina, was in tours of two, or three months, the claimant could not have rendered the alleged service in a regularly embodied corps for the time alleged." The claimant was required to make an explanatory statement, specifying the important particulars in regard to time, duration, place, &c., of his service. This has not been complied with in any degree to the knowledge of this committee. The only evidence before them is the evidence upon which he was put upon the pension-list, consisting of his declaration and the affidavit of two witnesses, who swear in general terms, that he served "two periods of twelve months and ten months."

The committee are of opinion that the requirements of the Commissioner ought to be complied with, and they therefore recommend the indefinite postponement of the bill.

Blair & Rives, printers.

IN SENATE OF THE UNITED STATES.

JUNE 13, 1840.

Submitted, and ordered to be printed.

Mr. LINN made the following

REPORT :

[To accompany bill S. No. 59.]

The Committee on Private Land Claims, to whom was referred the petition of Elihu Hall Bay, praying the confirmation of his title to certain land claims in Louisiana, report :

That the petitioner represents that, previous to 1781, he resided in the province of West Florida, then under the dominion and government of Great Britain : that, while a resident in that province, he acquired, by purchase, divers tracts of land, amounting to upwards of 7,000 acres ; all situated in that part of West Florida ceded by Great Britain to Spain, in 1783, below the 31st degree of latitude : that this claim is founded upon grants made by the British authorities of West Florida, while the country belonged to Great Britain. The grants are made upon the condition of paying a certain annual rent per acre—a halfpenny sterling ; and, also, of making certain improvements within three years, &c. It is not pretended the conditions have been complied with ; but it is contended the conditions are obsolete, and not such as to forfeit the claim. As to the *rent*, it is said no officer was appointed to receive it, and that it was never demanded, nor forfeiture ever claimed by Great Britain. As to the conditions of making improvements within *three years*, it is urged that the unsettled condition of the country is a sufficient excuse.

These claims were reported on by Commissioner Cosby, to whom they were submitted by the act of the 25th April, 1812, and are embraced in register A, of his report, as claims which, in the opinion of the commissioner, are valid, agreeably to the laws, usages, or customs of the British Government. Mr. Cosby, in his remarks upon these claims, says : “ In relation to the claims derived from the British Government, it may not be inapplicable to remark that they are distinguishable, in one prominent feature, from those granted by the Spanish Government, prior to the treaty of retrocession to the French Government. By the treaty of peace between Great Britain and Spain, in 1783, the absolute time of eighteen months was given to his Britannic Majesty’s subjects, to enable them to sell their estates and remove their effects ; accompanied by a declaration that, should not that time be sufficient to answer those purposes, his Catholic Majesty would give a prolongation proportioned to that end. In 1785, a prolongation of four months was given by the King of Spain. Not one out of fifty of the

British claimants availed themselves either of the original line or subsequent extension. Hence the Spanish Government could not consider the lands held under British patents, which had not received its assent as being vacant. That such was the decision of that Government is demonstrated by the course which it pursued in relation to the lands as comes within the commissioner's knowledge, it is a fact that the lands covered by British patents of the lastmentioned description, were not re-granted by the Spanish Government, whenever an opportunity was made for them conformably to the laws, usages, and customs of that Government. How far this circumstance ought to affect the validity of these patents in relation to individual conflicting claims, or what provisions ought to be, consistently with the laws of nations, the principles of distributive justice, and the rights of individuals, the committee leave for the consideration of those who are the constitutional guardians of the public and private property."

The act of 1819, passed upon that report, does not embrace British claims. The committee are not aware that any similar claims have been confirmed, except by the act of the 5th July, 1812, confined to that part of the Mississippi Territory which lay north of the 31st degree of latitude. If a similar act were passed as to the lands south of the 31st degree of latitude, it would embrace this among others. There are a great number of claims like this, lying in the district of West Florida, as it formerly existed, which have never been confirmed, and they are all believed to have been made on the same conditions.

A great objection to this claim, is, the non-compliance with the conditions of the grant. These conditions are specific and substantial. The grant itself provides that, unless they were complied with, the grant should be void.

The grant goes to convey the land in fee simple, reserving only a condition. It contains the following language: "*Provided, always* (and the grant is upon condition, nevertheless), That the said James Buchanan, grantee, shall make, within three years after the date hereof, clear and cultivate, at least, in that part thereof which he shall judge most convenient and advantageous; or else do clear and drain three acres of swampy ground, or do drain three acres of marsh (if any such be contained therein) and shall, further, within the time aforesaid, put and keep, upon every three acres thereof accounted barren, three neat cattle, and continue them thereon until three acres for every fifty acres be fully cleared and improved; and if it shall so happen that there be no part of the said tract fit for present cultivation, without manuring and improving the said James Buchanan, his heirs or assigns, shall, within three years from the date hereof, erect, on some part of the said tract of land, a dwelling-house, to contain, at least, twenty feet in length, and twenty feet in breadth, and put on his said land, the like number of three acres as aforesaid, on every fifty acres therein contained; or other part of said land shall be stony or rocky ground, not fit for cultivation or pasture, shall do within three years as aforesaid, beside erecting a dwelling-house, begin to employ thereon, and continue to work, for the next ensuing, in digging any stone-quarry or mine, one good hand for every hundred acres thereof, it shall be accounted a cultivation and improvement: *Provided, also*, That every three

shall be cleared and worked, or cleared and drained, as aforesaid, shall, further, be accounted a sufficient seating, planting, cultivation, and improvement, to save for ever from forfeiture fifty acres of land in any part of the tract hereby granted. And the said James Buchanan, his heirs or assigns, shall be at liberty to withdraw his or their stock, or to forbear working in any quarry or mine, in proportion to such cultivation and improvements aforesaid as shall be made upon the plantable lands, swamps, sunken grounds or marshes, therein contained: *Provided, also*, That this grant shall be duly registered in the register's office of this province, within six months from the date hereof." It then provides that, after having made the improvements required, the grantee may prove the same before certain courts named, and have this proof recorded with the grant, to be used as evidence, &c. The grant then contains the following language: "*Provided, always, nevertheless*, That, if the said James Buchanan, his heirs or assigns, do not, in all things, fully comply with or fulfil the restrictions, directions, and conditions, herein above set forth for the *proper cultivation* of the said land, within the times herein above limited for the completion thereof;" * * * or if he or they should not pay the *rent*, according to the terms of the grant, "that then, and in either of these cases, respectively, *this grant shall be void*, any thing contained herein to the contrary notwithstanding, and the said grant revert," &c., "as fully and absolutely as if it had never been granted." These conditions are admitted not to have been complied with, but it is urged that the lands are not forfeited, and that the unsettled and disturbed condition of the country is a sufficient excuse for a non-compliance with them.

The rule laid down by the Supreme Court of the United States, and acted upon by the Missouri board of commissioners, is, that in all cases where there are conditions to a grant, &c., if the grantee show satisfactorily that he has been prevented from a fulfilment of the conditions by the act of God, by the act of law, by the enemies of the country, by the act of the party making the grant, or any other sufficient cause, that the grantee will be considered as absolved from the performance of the same, and the grant regarded as absolute.

In this case there is *no proof* furnished to the committee beyond the mere allegation in the petition, and arguments of the claimant, that the grantee, or his heirs or assigns, were prevented from complying with the conditions of cultivation and improvement in the grants by either of the above causes; and the committee are not aware of any evidence sufficient to bring this case within the principles above laid down.

The committee concur in the views contained in the following report of the Florida commissioners upon these British claims, which seems to cover the whole ground assumed by the claimant, and adopt it as part of their own:

"REPORT ON BRITISH CLAIMS.

"The law organizing this board of commissioners, has directed us to examine and determine the validity of claims submitted for adjudication, 'agreeably to the laws and ordinances, heretofore existing, of the Government's making the grants respectively.' In addition to this, the attention of the commissioners is directed to two objects, in the investigation of British claims: 1st, to ascertain how far they are valid by the laws of nations;

and, 2d, how far they have been considered valid under the Spanish Government; and, if satisfied that said claims be correct and valid, confirmation to them.

“The great reliance of the British claimants is placed upon the fact that they were considered valid by the laws of nations. They endeavor to avail themselves of the *jus postliminium*, as laid down by Vattel, and other writers upon the laws of nations. Let us, for a moment, examine the soundness of this position.

“‘The right of *postliminium*,’ says Vattel, ‘is that in virtue of which persons and things taken by the enemy, are *restored* to their former owners on coming again into the power of the nation to which they belonged.’ There are two modes by which they may be *restored* to the power of the original proprietors: 1st, by reconquest; and, 2d, by *treaty*. Although prisoners of war may have given their parole; towns submitted to the enemy, and sworn and promised him to surrender, yet, if retaken, they are to be re-established in their former condition, and enjoy the right of *postliminium*. The acquisition of *immoveable* property is not consummated till confirmed by a treaty of peace, or by the extinction of the nation or destruction of the state to which they *belonged*. The conqueror has hopes of *retaking* them, or recovering them by *treaty*. ‘Provinces, towns, and lands, which the enemy restores by *treaty* of peace, are certainly entitled to the right of *postliminium*.’ ‘In giving back a town at the peace, renounces the right he had acquired by arms.’ ‘But if that town,’ says Vattel, ‘*had been ceded to the enemy by a treaty of peace*, or was completely fallen into his power by the conquest of the whole state, *she has no longer any claim to the right of postliminium*, and the alienation of any of her possessions by the conqueror is valid and irreversible; nor can she lay claim to them if, in some fortunate revolution should liberate her from the yoke of the conqueror.’ ‘Its former state is absolutely destroyed; all its relations and alliances, are extinguished.’—Vattel, b. 3, c. 14, sec. 212. ‘If a town, ceded to the enemy by a treaty of peace, is truly and completely retaken, it has no longer any claim to the right of *postliminium*, unless the treaty of peace be broken or cancelled.’ ‘It might be said, in general, that the right of *postliminium* no longer exists, after the conclusion of peace. That right entirely relates to a state of war.’—B. 3, c. 14.

“As the right of *postliminium* relates to, and is founded on, a state of war, it has no effect or operation, except among the belligerents, or among those who have made a common cause, and are *partakers and associates in the war*.’—Vattel, b. 3, c. 14, sec. 207. Spain and England were the only parties privies to the war, terminated by the capitulation of 1781, and the treaty of 1783. We have no evidence that the British claimants were restored to their lands by conquest; but even admitting it to be the fact, and applying the doctrines laid down in Vattel, the *jus postliminium* could not have been made to operate in their favor, had Florida, at the peace, been restored to England, who was the *original owner*. As those private claims were recognised in the articles of capitulation, and in the fifth article of the treaty, there is every reason to believe that there is no ground upon which this principle could be introduced; as that cannot be *restored* which has never lost by conquest. Further: as the country was *ceded to the enemy and conqueror*, instead of being restored to England, the

owner and nation to whom it belonged, the right of postliminium is taken away, unless the treaty be broken or cancelled. If cancelled or broken, it would be good ground of complaint to be brought by England against Spain; but it is a question in which, it is believed, the United States could not interfere. They were neither parties nor privies to the war, the capitulation, or treaty, and, as such, can claim *no rights*, and, consequently, have incurred *no obligations* under them.

"From this view of the subject, it is considered that the principle of the *jus postliminium* could not be made to operate in favor of British subjects; as Florida was ceded away by her, instead of being *restored* to her, by the treaty of 1783. Had it availed any thing, Great Britain would not have provided for those claimants in the treaty, or made them remuneration when they failed to dispose of their lands agreeably to the stipulations of the treaty. Upon examination, it will be found equally evident, that the United States are under no obligations on this occasion. They were not parties or privies to the war. Although Spain was at war with England during the latter part of the American Revolution, yet we were not *allies*; engaged in a *common cause*, associates in the same contest. There was no treaty of offensive or defensive alliance between them. Conceding this point, however, and it avails nothing: in order that the doctrine of *jus postliminium* should be introduced with effect, we should have been *allies of England*, who lost the country by conquest, and to whom it should have been restored, either by reconquest or treaty stipulation. American citizens can occupy no better ground than the citizens of Great Britain; and those, we have seen, cannot avail themselves of the right of *jus postliminium*.

"As the right of postliminium no longer exists after the conclusion of a peace, the British claimants are precluded from availing themselves of it by the treaty of 1783. This instrument placed these claims entirely upon different grounds: recognised them, and made provision for their disposition, by the subjects of Great Britain who were inclined to *emigrate*. The *jus postliminium* has no bearing upon the subject; but the question is made to turn, exclusively upon the construction of the treaty.

"By the articles of capitulation, signed at Pensacola in 1781 by the commanders of the Spanish and British forces, it was provided: that 'the British inhabitants, or those who may have been subjects of the King of Great Britain in the said countries, may retire, in full security and liberty, where they shall think proper; and may sell their estates and remove their effects, as well as their persons: the time limited for their emigration being fixed to the space of eighteen months.' This indulgence was incorporated in the treaty of 1783, with the additional provision of extending the time, if necessary. It is contained in the 5th article of the treaty which was ratified on the 3d of September, 1783, and is as follows: 'His Catholic Majesty agrees that the British inhabitants, or others who may have been subjects of the King of Great Britain in the said provinces, may retire in full security and liberty where they shall think proper, and may sell their estates, and remove their effects, as well as their persons, without being restrained in their *emigration*, under any pretence whatever, except on account of debts or criminal prosecutions: the term limited for this *emigration* being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty; but if, from the value of the possessions of the English proprietors, they should

not be able to dispose of them within the said term, then his Majesty shall grant them a prolongation proportioned to that end. In the year 1785, it is said, a prolongation of four additional months was granted by the King of Spain.

"Upon the subject of capitulation, Vattel says: 'The governor and the general who besieges it, have a power to settle the terms of capitulation; and whatever agreement they thus form within the terms of the commission, is obligatory on the state or sovereign who has invested them with the power by which they conclude it.'—B. 2, c. 14, sec. 2. There is no doubt, upon this principle that the provision of the article of capitulation in favor of British claimants was incorporated in the 5th article of the treaty of 1783, and also for the purpose of consummating the arrangement. This was necessary; as Vattel declares, that '*immovable possessions, lands, towns, provinces, &c.*—become the property of the conqueror who makes himself master of them; *but it is only by the treaty of peace or entire submission and extinction of the state* to which these provinces belonged, that the acquisition is completed, and the possession becomes stable and perfect.'—B. 3, c. 16, sec. 197.

"In examining the phraseology of the 5th article of the treaty, it appears that all British claimants were entitled to the indulgence; not only '*British inhabitants*,' but those '*who may have been subjects of Great Britain in the said provinces.*' Those who were citizens of the United States, at the date of the treaty, if they had been subjects of Great Britain, in said provinces, were entitled to every indulgence in the disposition of their property. If they failed to avail themselves of the provisions, it is their own neglect, and they cannot but charge themselves with the consequences. The treaty is to be construed like any other contract; and if the parties have not complied with the conditions, they are compelled to abide the result, or submit to the penalty. Their position occupies precisely the same ground, however different may be the circumstances of *the claimants*. Agreeably to the spirit, at least, of national law, the treaty is authorized in requiring such a provision as that contained in the 5th article of the treaty. 'Every state,' says Vattel, "has the liberty of excluding foreigners from refusing to foreigners the power of possessing lands or immovable property within her territory. If the sovereign does not permit aliens to possess moveable property, nobody has a right to complain of such a prohibition; for he may have good reason for acting in this manner; and, as he cannot claim any right in his territories, they ought not to take exception to what he makes use of his power and of his right in the manner which he thinks most for the advantage of the state.'—B. 2, c. 8, sec. 114. The treaty may also forbid the entrance of his territories, either to foreigners in general, or in particular cases, or to certain persons, or for certain purposes, according as he may think it advantageous to the state. B. 7, sec. 94. The King of England had, likewise, the power to accede to the stipulations in the 5th article of the treaty of 1783. The necessity of making peace, authorizes the sovereign to dispose of the property of individuals; and the eminent domain gives him a right to do so. Vattel, b 4, c. 2, sec. 12. In the treaty of 1783, the property of individuals was not ceded away *absolutely*, but only *conditionally*, where the sovereign failed to dispose of it within the limitation.

"If Spain refused to extend the time, as contemplated in the 5th article of the treaty, it was a subject of complaint by England against the

ment. The United States could not interfere in deciding such a question, as it would be an infringement of the independence of the original parties concerned.—Vattel, b. 2, c. 4, sec. 54; b. 4, c. 4, sec. 40; Preliminaries, a. 9. But it was not the fact, that England complained or remonstrated on the occasion. Upon the expiration of the term within which the British claimants were to return and dispose of their property, that Government made compensation to her citizens; which was an acknowledgment that she had no complaints or demands against the King of Spain. With this fact before them, it would not become the American Government to interpose in the contracts of other sovereign powers, and declare that either had failed in compliance.

“Most sovereign states have adopted, in some shape or other, the principle contained in the 5th article of the treaty, in order to prevent foreigners from owning real property within their limits, and thereby obtaining an influence which might be wielded to the injury of the country. It was, no doubt, principally from this consideration that the 5th article of the treaty was framed and incorporated in that instrument. In effect, it required ‘the British inhabitants, or others who may have been subjects of the King of Great Britain in the said provinces,’ either to remain in Florida as citizens of Spain, or to dispose of their property within the limitation. From the language of the articles, they appear to have had their election; and it is believed, that where they failed to avail themselves of the indulgence secured by this provision of the treaty, or to obtain the confirmation of the Spanish authorities, which was equivalent to a release, the lands were considered vacant, and subject to forfeiture. Similar provisions are contained in the treaty of 1763, which are found in the proclamation of Gen. Gage, bearing date 30th December, 1764, addressed to the inhabitants of Illinois and Vincennes, respecting their lands, upon taking possession of their country by the troops of his Britannic Majesty. In Siera’s case, Governor O’Neal declares, that the time had expired within which British claimants were to return and dispose of their property, and it is understood that it was regranted, whenever applications were made to that effect. The 8th section of the act of Congress, passed 30th March, 1803, making provisions for the disposal of the lands of the United States south of the State of Tennessee, and the 1st section of the act passed 5th July, 1812, upon the same subject, expressly recognise the fact of Spain having regranted lands originally granted by the British authorities in West Florida. The Board of Royal Treasury, by a decree, dated 24th September, 1801, at New Orleans, which was founded upon official proceedings instituted to ascertain the buildings and lots in Pensacola to which the King of Spain was entitled by conquest, and from *absolute relinquishment of the same by proprietary owners*, exposed those houses and lots to sale at public auction. Whenever they were presented, after a limited period, they were either confirmed, or declared to be forfeited by the Spanish authorities. It was the policy of the Spanish Government to have their lands settled and cultivated: foreigners were, as far as possible, excluded, unless they were Catholics. In their concessions, the petitioner was requested to take an oath that no foreigner was interested in the land solicited, and that he or she would not convey to such at a subsequent period. A difference in religion was not tolerated. Such was the effect of these regulations, that most of the English removed from Florida, particularly from East Florida, after the treaty of 1783.

"These facts combined, are conclusive as to the opinion entertained by the Spanish authorities, in relation to the validity of such claims. Those now under consideration been brought into controversy before Spanish tribunals, anterior to the cession of the country to the United States, there can be no hesitation in believing that they would have been declared null and void. The British claimants have not attempted to show out a valid title under the Spanish Government, or to show that the Spanish tribunals would have considered their claims valid and correct. They are, no doubt, satisfied of their weakness upon this ground, and are content for those claims being permitted to lie dormant, in the hands of the claimants, for upward of forty years. During this period, no notice was taken of their existence; many were unlocated, and none in actual occupation by the proprietors. The King of England's proclamation, bearing date the 10th of October, 1763, by which the governments of East and West Florida were created, vests the governors with the power to grant and dispose of lands 'to any such person or persons, upon such terms, and under such conditions, rate quit-rents, services, and acknowledgments, as have been appointed and settled in other colonies, and under such conditions as shall appear to be necessary and expedient for the advantage of the grantees, and for the improvement and settlement of our said colonies.' The governors were authorized to grant lands to new settlers, and to reduced officers of the army and navy, in the following proportions: To any person having attained the rank of a field officer, 5,000 acres; to any captain, 3,000 acres; to any major or staff officer, 2,000 acres; to any non-commissioned officer, 200 acres; to any private man, 60 acres. No limits, except that of the advantage of the person, and the improvement and settlement of the colonies, are attached to the grants upon grants to new settlers; but the proclamation expressly declares that all these grants are subject to the same conditions of cultivation and improvement. Further: no plat is filed, in some cases, to show that the land ever were surveyed; and the warrants, which require, upon the grantees, that they should be located in *six months* from the time when they were issued, are entirely floating claims. No evidence, however, has been presented to show that the conditions subsequent, upon which the perfect grants were made, have ever been fulfilled. This alone, according to Blackstone, renders the claims at least *voidable*, and may be rendered void by the commissioners. Under such circumstances, we do not think they would be recognised as possessing any validity under the laws of England—the Government from whence they emanated.

"Whether the British claims are ipso facto *void*, or only *voidable*, the United States are entitled to the rights and immunities of Spain, upon the transfer of the sovereignty and domain of Florida, under the treaty of February, 1819. Admitting that they are only *voidable*, the United States and their tribunals, can declare them void, as did the Spanish tribunals. If Spain could regrant them, and sell them at public auction, the United States, as the successor of Spain, are entitled to all the advantages that may result from a similar disposition of the property. As Spain, in her practical construction of the treaty, has viewed those claims as subject to the same conditions, whenever they have not been regranted, or confirmed by her laws, they must be vacant, and, consequently, belong to the public. The doctrine of *prescription*, as a bar to such claims, as well as the doctrine of attributing their want of location, and compliance with conditions, to the peculiar situation of the country, are also superfluous, as it is

claims to exist which have been forfeited. The Partidas, as cited upon the subject of appeals from the judgments of Spanish tribunals, is equally far from being in point, as it could only apply between parties and privies within their legal jurisdiction. Under no circumstances would this law, and the doctrine of prescription, avail the claimants any thing against the Government, however effectual they might be in a private controversy. Neither can they derive any advantage from a non-compliance with the 5th article of the treaty, unless they can also show that they have received a confirmation or conveyance from the Spanish Government, to the land in question. Were the United States to recognise those claims, it would be altogether a *gratuity*—an act of munificence, and not one which was the result of legal obligation. Congress are competent to make such a grant; but, as a special court of legal jurisdiction, we have no such authority, and can exercise no discretion upon the subject.

“ In the treaty between Spain and the United States, no provision was made for British claimants, but only such as emanated from his Catholic Majesty and his lawful authorities; and, by the law organizing this board of commissioners, none are to be examined except those claimed and owned, *bona fide*, by American citizens, and for which no compensation has been made by the British Government. This has been construed by the claimants as a recognition of *postliminary* rights; but, if the law is examined, it will be found to be a mistake, as the commissioners are first directed to ascertain whether they are valid by the laws of nations; how far they are so considered under the Spanish Government; and, after this inquiry, are made the judges whether they are valid and correct, and entitled to confirmation.

“ It is believed that the commissioners have no power to declare a forfeiture in those cases where the claim exceeds 3,500 acres. Here they are only intended to act as an inquest, or court of inquiry, and furnish Congress with the facts upon which a forfeiture may be declared. It is their province to ascertain what lands belong to individuals, as distinguished from those which have accrued to the United States under the treaty. Those arising from forfeiture constitute as perfect a class of rights as those to the soil which has never been appropriated to individual uses: they appertain, in all regular governments, to the sovereignty and domain, and cannot be separated from them.

“ From every view which we have been enable to give this subject, we are constrained to declare all British claims, within our jurisdiction, which were not confirmed by Spain, or disposed of in conformity with the 5th article of the treaty of 1783, forfeited, void, and of none effect. They are not valid by the laws of nations, and would not be considered valid under the Spanish Government. We are, therefore, convinced that they are not valid and correct; and, agreeably to the provisions of the law organizing this board, they must be rejected. With respect to the British claims exceeding 3,500 acres, we believe the reasons contained in this opinion are altogether applicable, and request that they may be received as our report, in both cases.

“ All which is respectfully submitted by the undersigned commissioners.

“ SAML. R. OVERTON,
“ JOSEPH M. WHITE.”

Mr. Bullard, from the Committee on Private Land Claims in of Representatives, made an able report on these claims in 1833 which is annexed to this report, and will be found useful and in

Copies of the reports made by Mr. Smith of the Senate, and of the House, are also annexed; both of which were in favor of

After a patient investigation of all the papers in this case, of the reports as well as the different treaties which seem to have a bearing on it, and other cases of a similar nature, the committee have come to the conclusion that the prayer of the petitioner ought not to be granted. They have come to this conclusion with regret, owing to the private and public worth of Judge Bay. The committee recommend to the Senate the adoption of the following resolution:

Resolved. That the bill for the relief of Elihu Hall Bay be postponed.

JANUARY 19, 1833.

Mr Bullard, from the Committee on Private Land Claims, makes the following report:

The Committee on Private Land Claims have given to the subject in the memorials of Elihu Hall Bay, of the heirs of Gaillard, of T. J. and E. Jones, and others, heretofore referred to them, the consideration and deliberation which they consider due, at the same time to the claimants and to the rights of this Government. These claims are certain British patents for lands previously to the treaty of 1763. The part of West Florida which, at that period, became a Spanish province, which, by virtue of subsequent treaties, became an integral part of the United States. The lands in question are situated in that section east of the Mississippi, south of the 31st degree of north latitude, and north of the Perdido. In order to a full understanding of the case, and the views of the committee, it seems proper to look back into the history of the region, and to consider the different treaties upon which its position depended at different periods.

At the general pacification in 1763, France was despoiled of her possessions in North America, stretching through the interior of the continent from the mouth of the St. Lawrence to the Gulf of Mexico. Canada, Nova Scotia, and Cape Breton, fell to the share of Great Britain. The Louisiana situated to the westward of the Mississippi was ceded to Great Britain, including the island of Orleans. That part of ancient Louisiana to the east of the same river, except the island of Orleans, was also ceded by France to Great Britain—Spain, at the same time, ceded to Great Britain Spanish Florida. At that period, therefore, and up to the commencement of the American Revolution, the whole territory to eastward of the Mississippi, with the single exception of the island of Orleans, belonged to Great Britain. In the hands of that power, all the territory to the south of the colony of Georgia was divided into two governments, called East and West Florida, embracing Spanish Florida, and that part of ancient Louisiana to the east of the Mississippi, and of the island of Orleans.

On the breaking out of the Revolutionary war, Canada and the United States stood aloof from the contest, did not unite in the declaration of independence, and must be regarded, during that war, as alien enemies.

During the period between 1763 and 1783, the grants in question were made by the English Governors of West Florida. In the course of the Revolutionary war, Spain invaded West Florida, and conquered it from Great Britain. At the close of the American war, Great Britain, by the treaty of 1783, with Spain, ceded to that power in full right "East Florida, as also West Florida." The social condition of the inhabitants of that country, their right to hold the property then possessed by them, and to enjoy other privileges, depend on the stipulation of that treaty. The words used, so far as relates to this matter, are these: "His Catholic Majesty agrees that the British *inhabitants*, or others who may have been subjects of the King of Great Britain in the said countries, may retire, in full security and liberty, where they shall think proper, and may sell their estates, and remove their effects." The time limited for this emigration was fixed to the space of eighteen months; but it was further stipulated, that "if, from the value of the *possessions of the English proprietors*, they should not be able to dispose of them within said term, then his Catholic Majesty shall grant a prolongation proportionate to that end."

It cannot be contended with any show of reason, that this treaty annulled all preceding grants of land made by British authority. The same expressions are used in the treaty, by which France ceded Canada to Great Britain, with the addition that the French inhabitants should enjoy, under the British Government, the right of worship according to the forms of the Catholic church. So far from annulling the titles to lands, the treaty, by permitting the sale, expressly recognises their existence and validity, so far as the terms of the treaty extend. It never was pretended that the French inhabitants of Canada, who did not choose to sell their possessions, and to emigrate, forfeited their estates to the British crown. The *permission* allowed by the treaty with Spain, to the British inhabitants and subjects to dispose of their estates, by no means implies that those who choose to remain would be obliged to submit to the confiscation of their property, and would not be permitted to become subjects or denizens of Spain. That might depend on the policy of Spain, and the general regulations of her colonies.

But it is necessary to inquire to what classes of persons did this stipulation in the treaty of 1783, as well as in the capitulation of Pensacola two years before, apply. The expressions are, "the British *inhabitants*, or others who may have been subjects of Great Britain *in the said countries*." The committee is not acquainted with any rule of construction by which these expressions, evidently intended as stipulations in favor of the actual *inhabitants* of a conquered or a ceded province, can be extended to embrace the claims of non-residents not in possession of lands, whether founded on a complete or an inchoate title. If such had been the meaning of the parties, they would have entered into some stipulation to that effect. None of the claimants appear ever to have been actual inhabitants, and possessed of these lands at the date of the treaty. It therefore appears to the committee that their case is not provided for by the treaty. Nor is it shown that, in the long interval of time between the date of that treaty and the cession of the country to the United States, these grants were ever recognised by Spain. That Spain was not bound to recognise them by the treaty, is abundantly evident, because no government is bound to permit aliens to hold lands within its dominion, and because the British Government insisted on no stipulation to that effect. The British Government never made any complaint against Spain on that score; and, although the committee has no

positive evidence on the subject, it is generally understood that the Government made compensation to some, at least, of its own subjects for the sacrifice of their rights in the cession of Florida to Spain.

Considering this, therefore, as a question between the claimants and the Government of Spain, it seems to the committee quite clear, that the United States are not bound either by the treaty of 1783, nor by the laws of nations to recognise these claims as valid; and it is certain they never were so recognised during the existence of the Spanish authorities in Florida. The United States, as the successors of Spain in the sovereignty of that country, are not bound to confirm these claims unless it be either, first, in virtue of subsequent treaties; or, secondly, by the acts of the board of commissioners, or the legislation of Congress; or, thirdly, by the laws of nations, and particularly, as is contended by the claimants, by the *jus postliminii*. We will now examine the question in reference to these three grounds.

1. *Treaties*.—The committee know of only two treaties between the United States and foreign governments which have the slightest bearing on this subject. The first is that of 1803 with France, and the second is the treaty of 1819 with Spain. The treaty with France contains no provision on the subject of grants of land by any government. It simply stipulates that the *inhabitants* of the ceded country shall be protected in their property. By the treaty of 1819, it is stipulated, in the 8th article, that the grants of land made before the 24th of January, 1818, by his Majesty, or by his *lawful authorities*, shall be ratified and confirmed to the persons in possession of the lands," &c. By whichever of these treaties the country in question was ceded to the United States, it is clear that the resident claimants to land, of which they were not possessed at the date of the treaties, respectively, cannot claim the benefit of them; and, in the case of the lastnamed treaty, the grant must be derived from the authority of Spain.

2. *Legislation of Congress*.—In April, 1812, an act of Congress was passed for the purpose of ascertaining the titles and claims to land in the country south of the then Territory of Mississippi, and east of the Mississippi and the island of New Orleans, and west of the Perdido. When the districts were laid off, the one west and the other east of Pearl River. In each of these districts it is provided that a commissioner should be appointed, and his duties are pointed out by the act. It was made his duty to ascertain the titles and evidences of claims to land within his district. By the 10th section of that act, it is provided, "that every person claiming lands in the country aforesaid by virtue of any grant, order, or survey, or other title of claim whatsoever, derived from the French, British, or Spanish Governments, shall deliver to the commissioners for land claims, a notice stating the nature and extent of his claims, together with a plat (if a survey shall have been made) of the tract or tracts claimed. The claimant, in such cases, is further required to deliver, for the purpose of being recorded, every grant, order of survey, deed, conveyance, or other evidence of claim. It is provided, however, that where lands are claimed by virtue of a complete French, British, or Spanish grant, it shall be unnecessary to record the patent, together with the order of survey, but a plat, with an abbreviated statement of his chain of conveyances, shall be delivered to the commissioners."

It is made the duty of the commissioners, each within his district, to enquire into the justice and validity of the claims filed with them; and, in every case, whether the lands claimed have been inhabited at the

ted ; at what time such inhabitation and cultivation commenced. They are further required to make out a list of actual settlers who have no written evidence of title. It is made the duty of the commissioners to make abstracts from the record of claims ; to arrange them into classes according to their respective merits ; which abstracts they are directed to transmit to the Secretary of the Treasury, to be by him laid before Congress at the next session thereafter, "for their determination thereon." By another act, approved on the 14th of April, 1814, the time for making a report was further extended, and the district east of Pearl river extended to the east of To-bigbee.

Here let it be remarked, in passing, that the commissioners had no authority to decide between the Government and the claimants. Their duty consisted in collecting the evidence on which Congress was to act. In pursuance of this authority, the commissioners made a report which was laid before Congress. On the 3d of March, 1819, an act of Congress was approved, which decided on all the cases reported upon by the commissioners. By that act, all complete Spanish grants contained in the report, and believed to be valid according to the laws and usages of Spain, were declared and recognised as valid and complete titles against any claim on the part of the United States. The next clause in the act relates to the class of claims now under consideration ; "and that all claims founded upon British grants, contained in said reports, which have been sold and conveyed, according to the provisions of the treaty of peace between Great Britain and Spain, of 3d September 1783, by which that part of Louisiana lying east of the island of Orleans, was ceded to Spain, under the denomination of West Florida, or which were settled and cultivated by the person having the legal title therein *at the date of the treaty*, are recognised as valid and complete titles against any claim on the part of the United States, or right derived from the United States."

By the same act last-mentioned, the authority of the commissioners was superseded by the appointment of a register and a receiver of public moneys at St. Helena court-house and at Jackson, with *power to examine the claims recognised, confirmed, or provided to be granted by that act* ; and to make out to each claimant entitled, in their opinion, thereto, *a certificate* according to the nature of the case, under such instructions as they might receive from the Commissioner of the General Land Office. On presenting such certificate at the General Land Office, it is declared that if it shall appear to the satisfaction of the Commissioner that the certificate has been *fairly obtained*, according to the true intent and meaning of the act, then, in that case, a patent shall issue.

It is unnecessary to detail the reports made by these different registers and receivers, acting as boards for the adjustment of land titles in that section of country, and the several acts of Congress to confirm their proceedings. They appear to have no relation to this subject. It is clear that Congress, in the act of the 3d of March, 1819, adopted in relation to British patents, of a date prior to 1783, precisely the principles which the committee announced at the commencement of this report ; and confirmed all such as appeared to have been sold and conveyed by the British grantees, according to the stipulations of the treaty of 1783 between Spain and Great Britain ; and, also, all such as were settled and cultivated by the person having the legal title therein *at the date of that treaty*. This Government has already done all that Spain was bound to do, either by the treaty or the laws of

legislation. They appear to have been acted on & subsequently by Congress.

There is one transaction, however, connected with the committee think themselves bound to notice. The office and receiver of public moneys, created by the act authorized, as has been remarked above, to examine and confirm, or provide to be granted by that act, claims, to be presented for patents to the Commis- sioner of the Land Office. It appears that, on the 6th, 7th, and 8th, of January last, the register and receiver at St. Helena did issue certificates in favor of various persons, and, among others, of T. Gaillard for nine claims; and of E. H. Bay for the heirs of E. & J. Jones nine or ten claims; and of others. On the 26th of July, 1830, the Commissioner of the Land Office, by public notice, revoked and annulled the above certificates, and the committee subjoin a copy of the notice. "Those of the 6th, 7th, and 8th, of January last, from the register and receiver at St. Helena, in the State of Louisiana, in relation to certain British grants of land in the above territory numbered one to seventy five, inclusive, and which are in the abstract hereto subjoined, are hereby notified to be void, and are not to be recognised by any law of the United States, and no confirmation are void and of no effect. By direct order of the Treasury." It would appear, therefore, that the act of Congress above mentioned is not provided for by the act of Congress above mentioned, and is rejected.

But the memorialists press their claims with great force, and on the principles of the laws of nations, and particularly the law of nations, commonly called the *jus postliminii*, and are willing to adopt the definition of that rule of nations given by the writers on the subject. They define the *jus postliminii* to be the law by which states or persons are bound to re-

her subjects, who may have suffered by the conquest, would have been at once restored to the full integrity of their rights—such is the rule. But how, and in what sense of the word are the United States the successor of Great Britain in the sovereignty of Florida? There is no privity between the two governments. We derived our title in the sovereignty of Florida from Spain, and not from Great Britain. The claimants appear, at the date of the grants, to have been British subjects in a colony, which, during the Revolutionary war, belonged to the dominions of our enemy. If their sovereign sacrificed their rights to subserve the political interests of his crown, at what period did the duty of the Government of the United States originate, to restore them to rights which they claimed originally as British subjects, and not as American citizens? The committee do not mean to insinuate that the claimants are not American citizens: they only mean to say that, in relation to these grants, they appear in the quality of British subjects. By this beautiful fiction of the Roman law, an absent and captive citizen, however protracted his captivity, was, on his return, restored at once to the full enjoyment of his suspended rights, and *considered as never having been absent*. But how can the claimants bring themselves within any such rule in relation to rights in Florida derived from the British crown, and not from the Government of the United States? Upon the whole, in whatever view the committee regard these claims, they cannot resist the conclusion, that the Government of the United States is under no obligation whatever to take any further steps in relation to this class of claims, and they recommend the adoption of the following resolution:

Resolved, That it is inexpedient to legislate any further in relation to grants to lands in Florida, derived from the crown of Great Britain prior to the 3d of September, 1783.

IN SENATE OF THE UNITED STATES.

JANUARY 25, 1827.

Mr. Smith, from the Committee on Private Land Claims, to whom was referred "A bill for the relief of Elisha Hall Bay and others, confirming grants of lands in the district west of Pearl river, derived from the British Government of West Florida, and not subsequently granted by Spain or the United States," made the following report:

That the committee have attentively examined the subject, and find that the petitioners claim their lands under grants from the British Government of West Florida, prior to the cession of that country by Great Britain to Spain, in 1783; and that those grants are as full and ample as any grants formerly made by the British Government to their former colonies, now the United States of America, and, like them, contain certain subsequent conditions; such as, that the grants should be recorded in a certain office, which appears to your committee to have been duly executed; to pay a mere nominal quit-rent; and to make some small improvement: which latter appear to have been more a matter of form than of substance, and to have become obsolete. Nor could the omission to perform them have divested the claimants of their fee simple estate therein, unless

Treasury, whose duty it was to lay the same before the session.

In pursuance of the provisions of the aforesaid act, the duly appointed commissioner of the district where the same were in pursuance of his duties, did register and examine the claims of the petitioners, and report their respective claims to the Treasury, as claims founded on complete grant from the Government; and ranged them in class No. 1, first class.

Your committee further report, that on a former occasion, under the same circumstances, of grants derived from the then Territory of Mississippi, in 1807, a board of survey, of the first respectability, did report in favor of the validity of the grants, with similar subsequent conditions, with perfect performance, that they were "more a matter of course than obsolete." And that the same were laid before the President of the Treasury, and Congress did, by a law of the 2d of March, 1808, confirm the claims so reported to the respective departments. Your committee, therefore, respectfully suggest that the Government should offer any discount to the citizens claiming precisely under the same circumstances, and report the bill without amendment.

The Committee on Private Land Claims, to whom referred the several petitions of Elihu Hall Bay and others, for the confirmation of their title to certain lands in Louisiana, or for a refund of the money paid therefor, respectfully report :

That the said lands were granted to the said Elihu Hall Bay and others, by the said President of the Treasury, and Congress did, by a law of the 2d of March, 1808, confirm the claims so reported to the respective departments.

have prevailed with respect to lands owned by the United States, made and located claims on said lands in right of actual occupancy ; and that some grants of patents have been made by the Government to others for other parts of said lands. The petitioner has also stated his willingness to accept of other lands of the Government in that section of the country, in lieu of those claimed by him, if it shall be thought expedient in order to prevent difficulty from conflicting claims ; and your committee, deeming this proposition to be reasonable, do therefore report a bill authorizing said claimants to locate an equal quantity of other lands subject to private entry in the States of Louisiana, Alabama, or Mississippi.

JANUARY 21, 1836.

The Committee on Private Land Claims, to which was referred the petition of Elihu Hall Bay and others, beg leave to report :

That the committee have attentively examined the subject, and find that the petitioners claim their lands under grants from the British Government of West Florida, prior to the cession of that country, by Great Britain, to Spain, in 1783 ; and that those grants are as full and ample as any grants formerly made by the British Government to their former colonies, now the United States of America ; and, like them, contain certain subsequent conditions, such as, that the grants should be recorded in a certain office, which appears to your committee to have been duly executed ; to pay a mere nominal quit-rent ; and to make some small improvement : which latter appear to have been more a matter of form than of substance, and to have become obsolete. Nor could the omission to perform them have divested the claimants of their fee simple estate therein, unless a proceeding for that purpose had been instituted in a regular form by the British Government itself, in a court of competent jurisdiction for that purpose ; which your committee have no ground to believe had, or could have been done : therefore, the grants must remain unimpaired by those subsequent conditions.

By a law providing therefor, passed the 25th day of April, 1812, that portion of country which lies south of the (then) Mississippi Territory, and east of the Mississippi river, and island of New Orleans, and west of the Perdido river, was divided into two districts, between which, Pearl river was the boundary ; and authorizing a commissioner to be appointed for each of these districts, with powers, respectively, to inquire into the validity and justice of all such titles and claims to lands as should be filed in their respective divisions, and to report thereon to the Secretary of the Treasury, whose duty it was to lay the same before Congress at its next session.

In pursuance of the provisions of the aforesaid law, James O. Cosby was duly appointed commissioner of the district west of Pearl river, and, in pursuance of his duties, did register and examine the grants and title deeds of the petitioners, and report their respective claims to the Secretary of the Treasury, as claims founded on complete grants derived from the British Government : and ranged them in class No. 1, for confirmation.

Your committee further report, that, on a former occasion, under precisely the same circumstances of grants derived from the British Govern-

ment, in the then Territory of Mississippi, in 1807, a board of commissioners, of the first respectability, did report in favor of the claims under the British grants, with similar subsequent conditions, without any objection to their performance, that they were "more a matter of form than of substance, and obsolete." And that the same were laid before Congress, and the Secretary of the Treasury, and Congress did, by a law of the 1812, ratify and confirm the claims so reported, to the respective States thereof. Your committee therefore respectfully suggest, that there be no reason why the Government should offer any discrimination in the rights of citizens claiming precisely under the same circumstances, and therefore report a bill for the relief of the petitioners.

FEBRUARY 18, 1823.

The Committee on Public Lands, to whom was referred the petition of Elisha Hall Bay, for himself and on behalf of Theodore and Charles Roberts, of the State of South Carolina, report.

The petitioners state that they presented their petition to the Senate on the 21st January, 1820, setting forth that they were the holders and possessors of sundry tracts of land in Louisiana, east of the island of New Orleans and west of Pearl river, under grants from the former province of Florida, and conveyances from sundry grantors, all made and perfected in due form of law, and which were regularly exhibited to, and recorded in the register's office established at St. Helena, in pursuance of the provisions of the land act of April 25, 1812. That the commissioner on behalf of the United States, James O. Cosby, Esq., did report to the Government that the grants were good and valid as against the United States, as by the records filed in the office of the Commissioner of the General Land Office in the city of Washington, may appear. That said petition then prayed for a confirmation of the said titles conformably to the report of said James O. Cosby, but no report was made thereon. And the petitioners now pray that you will grant them a confirmation of their said claims, so reported as against the United States, reserving, however, to individuals any rights which may there be, which they may have to the said lands, or any part thereof.

The committee on examining the grants referred to in said petition, find that they were made under authority of the British Government, while the Territory of Florida was in possession of said Government, and prior to the cession thereof to Spain. The grants contain a number and variety of conditions, the performance of which is not attempted to be proved; but it is insisted that the estates became absolute in the patents, notwithstanding these conditions. In the opinion of the committee, the claims are peculiarly proper for investigation and decision in a court of law; and as a bill has already been reported which is now depending before the Senate, which is intended to provide for the trial of land claims in the State of Louisiana, whether derived from British, or Spanish grants, the committee ask to be discharged from further consideration of the said petition.

True copy from the original, on file in the office of the Secretary of the Senate.

CHARLES CUTTS,
Secretary of the Senate.

RESOLUTIONS

ADOPTED AT

A MEETING OF THE BOARD OF TRADE OF THE CITY OF NEW YORK,

EXPLANATORY OF

*A memorial presented from that body to the Senate, in relation to the
proposed bankrupt law.*

JUNE 13, 1840.

Laid on the table, and ordered to be printed.

At a meeting of the Board of Trade of the city of New York, held June 10, 1840, the following preamble and resolutions were adopted :

Whereas, a misapprehension appears to have existed on the part of several members present at a meeting of this board on the 22d ultimo, as to the tenor of some portions of a memorial to Congress, adopted at said meeting, particularly as to the application of the restrictions therein suggested, to the cases of liabilities heretofore contracted ;

And, whereas, it is the desire of this board that its opinions, as to the general provisions of a bankrupt law, should be correctly understood ;

Resolved, That the Board of Trade is fully impressed with the importance and necessity of a bankrupt law, which shall relieve the debtor from his liabilities, upon the faithful and honest surrender of all his effects.

Resolved, That, in the opinion of this board, a discharge under such law should not be withheld from those who, previously to its passage, may, in accordance with the usages of trade, and the custom of merchants, have given preferences to particular debts, as confidential, and to be first paid.

Resolved, That no such discrimination should be allowed, in regard to future transactions, subsequent to the passage of the law ; but that all debts should be considered of the same character, and entitled to an equal "pro rata" division of the bankrupt's effects.

Resolved, That, in relation to liabilities contracted previous to the passage of the law, the assent of one-half, or any other number of the creditors of a bankrupt, should not be necessary to secure his discharge ; the honest surrender of his entire effects alone constituting the grounds of his release.

Resolved, That such other provisions should be incorporated into the law as shall, in the wisdom of Congress, be deemed expedient to protect the just rights of creditors—prevent fraud or collusion of any kind—guard against abuses of credit, and give increased security and stability to the future business of the country.

A true copy :

WM. P. MINER,
Recording Secretary Board of Trade.

New York, .

SIR: In accordance with a resolution of the Board of the city, we have the honor to hand you enclosed a copy of resolutions, adopted by that body at a meeting held yesterday, and request that you would give them the same direction as which they refer, and which you had the kindness to present for consideration of the Senate.

We are, respectfully, your obedient servants,

JOHN

WM. P. M.

Recording Secretary Board

Hon. SILAS WRIGHT, Jr.

REPORT

FROM

THE SECRETARY OF THE NAVY,

TRANSMITTING,

In compliance with a resolution of the Senate, the report of a board of officers appointed to witness an exhibition of Mighill Nutting's patent cylinder firearms.

JUNE 9, 1840.

Read, and referred to the Committee on Naval Affairs.

JUNE 15, 1840.

Ordered to be printed.

NAVY DEPARTMENT, June 8, 1840.

SIR: I have the honor to transmit the report of the board of officers appointed in obedience to the resolution of the Senate of the 22d ultimo, to witness an exhibition of Mighill Nutting's patent cylinder firearms.

I am, very respectfully, your obedient servant,

J. K. PAULDING.

Hon. R. M. JOHNSON,
President United States Senate.

WASHINGTON NAVY YARD, June 5, 1840.

SIR: The undersigned board of officers have the honor to inform you that they met pursuant to your instructions of the 26th ultimo, and, in conformity thereto, witnessed an exhibition of Mighill Nutting's patent cylinder firearms; the result of which is contained in the following report:

Mr. Nutting presented for the inspection of the board, a rifle loaded at the breach by means of a revolving shifting cylinder containing ten receivers or chambers, with a percussion lock. He then took it to pieces, and submitted its various parts to the examination of the board. He afterward fired two cylinders, containing twenty charges, in thirty seconds—the cylinders being previously loaded. Mr. Nutting was then desired to show with what rapidity he could load and fire his piece. It seems, however, he was not prepared for this experiment; for, not being provided with other loading apparatus than the ordinary powder-flask and ball, he was unable to load and fire with the celerity that his piece is evidently susceptible of.

When properly loaded, and primed with close-fitting caps are not likely to be injured by exposure to water.

The board are of opinion that the general construction of the manner in which the cylinders are shifted and secured, its entire arrangement, is more simple, and less liable to derange any arm of the kind that they have seen.

It being required by the resolution of the Senate (a copy accompanied your orders) that the board should state their opinions as to the advantages to be derived from the adoption of these firearms service, it affords the undersigned pleasure to express it as the opinions that, for arming boat expeditions particularly, they present advantages over the arms now employed; and should, therefore, to a certain extent for the use of the naval service.

Respectfully, your obedient servants,

C. S. McCAULE

Captain U. S. Navy

J. H. AULICK,

Commandant U. S. Navy

In consequence of my deeming the space for the escape from the percussion caps insufficient, and also the want of a proper apparatus, I cannot fully concur in the above report. Should be remedied, Mr. Nutting's patent cylinder firearm would, in my opinion, be quite equal to any that has come under my observation. I will, however, add one advantage in Mr. Nutting's gun, which is, the fixture of the barrel to the stock.

L. TW

Captain U. S. Navy

Hon. J. K. PAULDING,

Secretary of the Navy, Washington.

LETTER

FROM

ALEXANDRE VATTEMARE,

ASKING

The immediate action of the Senate on the bill (S. 365), "in addition to the acts now in force for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned;" and on the joint resolution (S. 17), "authorizing the exchange of duplicate works in the library of Congress."

JUNE 15, 1840.

Submitted by Mr. BENTON, and ordered to be printed.

WASHINGTON, le 11 Juin, 1840.

MONSIEUR: L'approche de l'ajournement du Congrès, la grande quantité d'affaires encore à terminer, m'a fait prendre la liberté de vous prier de vouloir bien solliciter de Messieurs les Sénateurs un tour de faveur pour ma petition.

Ma proposition semble toute exceptionnelle en ce sens qu'elle n'exige que peu d'instant du Sénat pour arriver à un resultat qui, suivant les hommes les plus distingués de l'Europe et de l'Amérique, sera d'une immense avantage pour la propagation des sciences, des arts, et de l'industrie dans les deux mondes. Votre belle et glorieuse patrie, par l'admirable et courageuse persévérance de ses habitans, en saura tirer les plus beaux fruits.

C'est mon admiration pour cette grande nation, et aussi pour répondre aux conseils qui me furent donnés par des hommes amis de l'Amérique, (entre autres, de Lafayette d'illustre et glorieuse mémoire, qui daignait m'honorer d'une bienveillance particulière, et qui souvent me disait, "La réalisation de votre système fera un bien incalculable au vieux et au nouveau monde;") et par un grand nombre d'Américains distingués que je rencontrais à Paris, en tête desquels était le Général Cass, qui tous m'excitaient à aller porter une des branches de mon système d'échange parmi vous, que je me suis décidé à quitter pays, famille, et de traverser l'Atlantique; et je suis venu ici pour terminer la mission que volontairement je m'étais imposée.

Sans votre participation, mon système d'échange ne serait pas complet; la vaste circulation intellectuelle serait imparfaite, si un des membres les plus vivox de la famille humaine n'y versait pas son tribut, et ne recevait pas ceux qui lui reviennent à si juste titre.

Pourquoi ne vous dirai-je pas que, plein de la sympathie si générale des Français pour les Etats Unis, je suis parti, espérant que mon système con-

Blair & Rives, printers.

tribuirait, par un contact plus immédiate des intelligences des nations à consolider, à renforcer cette sympathie dont les deux pays dignent la bienveillante réception que j'ai rencontré depuis que je suis aux Etats Unis, a changé mon espérance en certitude.

J'ose espérer que mon projet d'échange, qui dans les divers pays de l'Europe a reçu partout le suffrage des Chambres, sera aussitôt accepté et approuvé par le Congrès, et que bien que présenté par un missionnaire venu parmi vous pour le seul objet, le Sénat voudra bien consacrer un moment qu'il consacre aux importantes questions qui l'occupent, à ce moment pour ajouter son suffrage à ceux des Gouvernemens de l'Europe.

J'ai l'honneur d'être, avec le plus profonde respect, monsieur, votre humble et très obeissant serviteur,

ALEXANDRE VATTEMIER

A Mons. le Colonel BENTON,
Senateur de Missouri.

[TRANSLATION.]

WASHINGTON, June 11.

SIR: The approach of the period for the adjournment of Congress has given me the great quantity of business which remains to be terminated. I therefore take the liberty of requesting that you would be pleased to ask the attention of the honorable Senators to my petition.

My proposition appears to be of a nature which should render it worthy of being made the subject of an exception, inasmuch as the Senate require but very few moments in order to arrive at a result, which according to the opinions of the most distinguished men of Europe and America will be of immense advantage for the propagation of sciences, arts, and industry, throughout the two worlds. Your fine and glorious country will derive from the admirable and courageous perseverance of its inhabitants the richest benefits.

My admiration for this great nation, and my respect for the advice given to me by the friends of America, among others by General Lafayette, whose illustrious and glorious memory, who deigned to honor me with his kindness, and who often said to me "The execution of your plan will produce incalculable benefits in the old and the new world," and by the distinguished Americans whom I met at Paris, at the head of them General Cass, impelled me to come for the purpose of establishing one or two branches of my system of exchange in your country, and determined to quit my country and family and to cross the Atlantic, in order to accomplish the mission which I have voluntarily imposed on myself.

Without your participation, my system of exchange would be incomplete; the great intellectual circulation would be imperfect, if our most active members of the human family should not contribute to it, and should not receive from it the advantages to which it is so justly entitled.

May I not also say, that, filled with the enthusiasm for the Union which is so general among Frenchmen, I departed, hoping that my mission would tend by producing a more immediate contact of intelligence between the two nations, to consolidate and strengthen those feelings which each country so much deserves from the other, the kind reception which I met with in the United States has changed my hopes into certainty.

I now venture to hope, that my project of exchange, various States of Europe, has every where received the [Legislative] Chambers, will also be favorably received by that, although it is presented by an humble missionary to you for that sole object, the Senate will find one moment, voted by it to the important questions before it, to add its the Governments of Europe.

I have the honor to be, sir, with the most profound respect,
humble and obedient servant,

ALEXANDRE V.

The Hon. Colonel BENTON,
Senator from Missouri.







